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PART I

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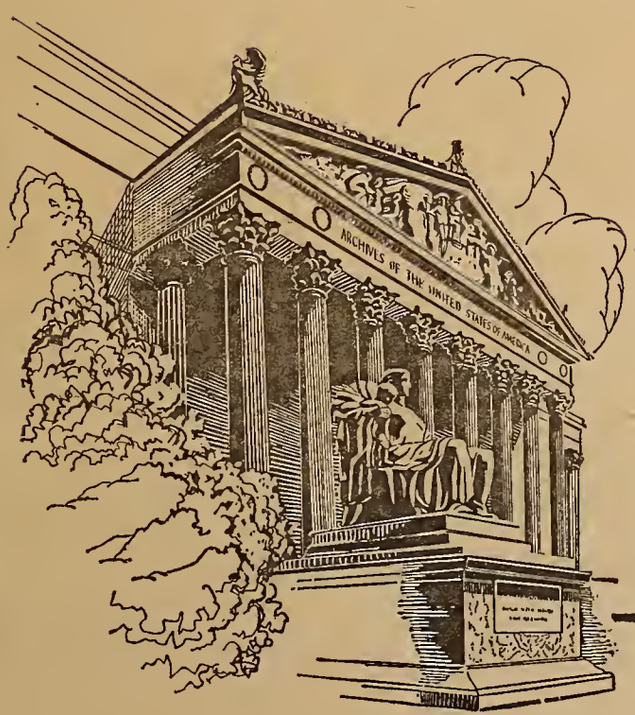

Current White House Releases

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This weekly service includes an Index of Contents preceding the text and a Cumulative Index to Prior Issues at the end. Cumulation of this index terminates at the end of each quarter and begins anew with the following issue. Semiannual and annual indexes are published separately.

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Proclamation 3874

NATIONAL FOREST PRODUCTS WEEK, 1968

By the President of the United States of America

A Proclamation

After nearly two centuries of our Nation's growth and development, forests still cover one-third of the American earth.

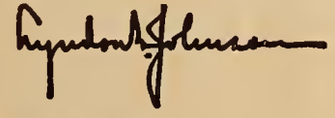
This enormous natural resource contributes significantly to the economic well-being of our Nation, and to other, equally important benefits in the form of water conservation, forage, recreation, and natural beauty.

So that these benefits may be available in increasing quantities and greater quality, all of us should contribute wherever and whenever we can to the renewal and wise use of our forests.

The Congress, in order to re-emphasize the importance and heritage of our forest resources, has by a joint resolution of September 13, 1960 (74 Stat. 898), designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue annually a proclamation calling for the observance of that week.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 20, 1968, as National Forest Products Week, with activities and ceremonies designed to direct public attention to the essential role that our forest resource plays in stimulating the advancement of our rural economy and the continued growth and prosperity of the entire Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 68-12135; Filed, Oct. 2, 1968; 2:51 p.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 68–EA–82; Amdt. 39–665]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Helicopters

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend Airworthiness Directive 68–17–2 which required certain inspections of Sikorsky S–61 Type Aircraft.

When Airworthiness Directive 68–17–2 was published paragraph 5 was included within a group of inspections required prior to each flight. It was intended, however, that the inspections required by paragraph 5 would be accomplished only once.

Since this amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure herein are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations by amending Airworthiness Directive 68–17–2 as follows:

Change the number of paragraph B5 to paragraph C and reletter the present paragraphs C and D as D and E respectively.

This amendment is effective October 10, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on September 27, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68–12113; Filed, Oct. 3, 1968; 8:50 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68–SO–78]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Charlotte, N.C., and designate the Concord, N.C., transition areas.

The Charlotte transition area is described in § 71.181 (33 F.R. 2137).

In the description, an extension to the transition area is predicated on the Charlotte VORTAC 058° radial. Additionally, a 6-mile basic radius circle predicated on the Propst Airport, Concord, N.C., is included in the Charlotte transition area.

Because of an increase in altitude over the final approach fix for the VOR/DME RWY–4 instrument approach procedure to Propst Airport, it is necessary to alter the transition area by revoking the extension predicated on the Charlotte VORTAC 058° radial, which is designated to provide controlled airspace protection for this approach. By revoking this extension, the transition area designated for Propst Airport will no longer be physically connected to the Charlotte transition area. To simplify charting and reference, it is necessary to remove the portion designated for Propst Airport from the Charlotte transition area and redesignate it as "Concord, N.C."

Since this amendment lessens the burden on the public and is editorial and minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the Charlotte, N.C., transition area is amended as follows:

" * * * within a 6-mile radius of Propst Airport (lat. 35°23'30" N., long. 80°34'30" W. * * *" is deleted.

" * * * within 2 miles each side of the Charlotte VORTAC 058° radial, extending from the 8-mile radius area to the Propst Airport 6-mile radius * * *" is deleted and " * * * within 2 miles each side of the Charlotte VORTAC 058° radial, extending from the 8-mile radius area to 14 miles northeast of the VORTAC * * *" is substituted therefor.

In § 71.181 (33 F.R. 2137), the following transition area is added:

CONCORD, N.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Propst Airport (lat. 35°23'30" N., long. 80°34'30" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 27, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68–12107; Filed, Oct. 3, 1968; 8:50 a.m.]

[Airspace Docket No. 68–SW–52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 13, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11464) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter the Houma, La., transition area.

Interested persons were given 30 days in which to submit written data, views or arguments.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., December 12, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 25, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

The above amendment reads as follows:

In § 71.181 (33 F.R. 2196), the Houma, La., transition area is amended to read:

HOUMA, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Houma Municipal Airport (Lat. 29°34'10" N., Long. 90°39'40" W.), within 2 miles each side of the Tibby VORTAC 123° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Tibby VORTAC, 124° radial extending from the 5-mile radius area to 27 miles SE of the VORTAC, and within 2 miles each side of a 360° bearing from the Houma RBN (latitude 29°37'01" N., longitude 90°39'39" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

[F.R. Doc. 68–12108; Filed, Oct. 3, 1968; 8:50 a.m.]

[Airspace Docket No. 68–SW–53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 13, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11463) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter the Tyler, Tex., transition area.

Interested persons were given 30 days in which to submit written data, views or arguments.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., December 12, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on September 25, 1968.

A. L. COULTER,
Acting Director, Southwest Region.

The above amendment reads as follows:

In § 71.181 (33 F.R. 2265), the Tyler, Tex., transition area 700-foot portion is amended to read:

That airspace extending upward from 700 feet above the surface bounded by a line extending from lat. 32°05'30" N., long. 95°-17'00" W., to lat. 32°27'00" N., long. 95°42'-30" W., to lat. 32°35'30" N., long. 95°32'30" W., to lat. 32°13'30" N., long. 95°07'00" W., to point of beginning;

[F.R. Doc. 68-12109; Filed, Oct. 3, 1968; 8:50 a.m.]

[Airspace Docket No. 68-SO-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone, Designation of Control Zone, and Alteration of Transition Area; Effective Date

On August 23, 1968, F.R. Doc. 68-10158 was published in the FEDERAL REGISTER (33 F.R. 11977), amending Part 71 of the Federal Aviation Regulations by revoking the Jacksonville, Fla. (Thomas Cole Imeson Airport), control zone, designating the Jacksonville, Fla. (Jacksonville International Airport), control zone and altering the Jacksonville, Fla., 700-foot transition area.

In the amendment, the effective date was published as "0901 G.m.t., October 6, 1968."

Because of the delayed commissioning of the new Jacksonville International Airport until 0401 G.m.t., October 27, 1968, it is necessary to amend the effective date of F.R. Doc. 68-10158 accordingly.

In consideration of the foregoing, effective immediately, F.R. Doc. 68-10158 is amended as follows:

In paragraph three, lines three and four "* * * effective 0901 G.m.t., October 6, 1968 * * *" is deleted and "* * * effective 0401 G.m.t., October 27, 1968 * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on September 27, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68-12110; Filed, Oct. 3, 1968; 8:50]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9136; Amdt. 616]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Rio Int	ELP VOR (final)	Direct	5500	T-dn	300-1	300-1	200-½
Newman VOR	ELP VOR	Direct	5500	C-dn	400-1	500-1	500-1½
Giffen Int	ELP VOR (final)	Direct	5000	S-dn-26#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 077° Outbnd, 257° Inbnd, 6500' within 10 miles.
Minimum altitude over facility on final approach crs, 5000'.
Crs and distance, facility to airport, 257°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing ELP VOR, turn left, climb to 5500' on R 150° within 20 miles.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative REIL.
MSA within 25 miles of facility: 000°-090°—7800'; 090°-180°—6400'; 180°-360°—8200'.

City, El Paso; State, Tex.; Airport name, El Paso International; Elev., 3956'; Fac. Class., BVORTAC; Ident., ELP; Procedure No. VOR Runway 26, Amdt. 20; Eff. date 17 Oct. 68; Sup. Amdt. No. 19; Dated, 7 Oct. 67

2. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Asheville, N.C.—Municipal, ADF 2, Amdt. 5, 20 Aug. 1966 (established under Subpart C).
Asheville, N.C.—Municipal, ADF 1, Amdt. 4, 20 Aug. 1966 (established under Subpart C).
Carlsbad, Calif.—Palomar, VOR 1, Orig., 2 Oct. 1965 (established under Subpart C).
Concord, Calif.—Buchanan Field, VOR 1, Amdt. 1, 12 Mar. 1966 (established under Subpart C).
Hillsboro, Oreg.—Portland-Hillsboro, VOR-1, Amdt. 5, 20 July, 1967 (established under Subpart C).
Lawton, Okla.—Lawton Municipal, VOR 1, Amdt. 9, 4 July, 1964 (established under Subpart C).

3. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Lynchburg, Va.—Lynchburg Municipal-Preston Glenn Field, NDB (ADF) Runway 3, Amdt. 5, 9 Nov. 1967, canceled, effective 17 Oct. 1968.

Asheville, N.C.—Asheville Municipal, VOR 1, Amdt. 6, 22 Jan. 1966, canceled, effective 17 October, 1968.

4. By amending § 97.13 of Subpart B to delete terminal very high frequency omnirange (TerVOR) procedures as follows:

Marquette, Mich.—Marquette County, TerVOR-8, Amdt. 6, 17 Sept. 1966 (established under Subpart C).
Marquette, Mich.—Marquette County, TerVOR-26, Amdt. 5, 17 Sept. 1966 (established under Subpart C).

5. By amending § 97.13 of Subpart B to cancel terminal very high frequency omnirange (TerVOR) procedures as follows:

Latrobe, Pa.—Westmoreland-Latrobe, TerVOR (R-020), Amdt. 2, 31 July 1965, canceled, effective 17 Oct. 1968.

6. By amending § 97.15 of Subpart B to amend very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10-mile fix, R 081°	6-mile fix, R 081° (Giffen Int)	Direct	5500	T-dn	300–1	300–1	200–½
6-mile fix, R 081°	ELP VOR (final)	Direct	5000	C-dn	400–1	500–1	500–1½
6-mile fix, R 077°	ELP VOR (final)	Direct	5000	S-dn–26#	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

When authorized by ATC, DME may be used within 10 miles between radials 325° clockwise to 200° at 6500′ to position aircraft for final approach with the elimination of a procedure turn.
Radar available.
Procedure turn S side of crs, 077° Outbnd, 257° Inbnd, 6500′ within 10 miles.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 257°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.8-mile DME Fix on R 257°, turn left to heading of 125°, climbing to 5500′ on ELP VOR, R 150° within 20 miles.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative REIL.
MSA within 25 miles of facility: 000°–090°—7800′; 090°–180°—5700′; 180°–270°—7200′; 270°–360°—8200′.

City, El Paso; State, Tex.; Airport name, El Paso International; Elev., 3956′; Fac. Class., BVORTAC; Ident., ELP; Procedure No. VOR/DME Runway 26, Amdt. 11: Eff. date, 17 Oct. 68; Sup. Amdt. No. VOR/DME No. 1, Amdt. 10; Dated, 25 Sept. 65

7. By amending § 97.15 of Subpart B to cancel very high frequency omnirange-distance measuring equipment (VOR/DME) procedures as follows:

Douglas, Ga.—Douglas Muni., VOR/DME No. 1, Orig., 28 Apr. 1966, canceled, effective 17 Oct. 1968.

8. By amending § 97.17 of Subpart B to delete instrument landing system (ILS) procedures as follows:

Asheville, N.C.—Municipal, ILS-34, Amdt. 7, 7 Jan. 1967 (established under Subpart C).

9. By amending § 97.21 of Subpart C to establish low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: SKW LFR.
				Turn left, climb to 3200′ on E crs SKW LFR within 15 miles. Supplementary charting information: Facility to airport 092°, 1.4 miles. 3050′ terrain 5.4 miles N of airport. #Chart in Plan View.

Procedure turn S side of crs, 086° Outbnd, 266° Inbnd, 1700′ within 10 miles of SKW LFR.
Final approach crs, 266°.
Minimum altitude over SKW LFR, 1180′.
MSA: NW—5100′; NE—2000′; SE—5100′; SW—6800′.
NOTE: Utilize ANC altimeter setting.
*All maneuvering to be performed S of airport.
#Final approach from holding pattern at SKW not authorized. Procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	1180	1	1032	1180	1	1032	1180	1½	1032	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Skwentna; State, Alaska; Airport name, Skwentna; Elev., 148′; Facility SKW; Procedure No. LFR-1, Amdt. Orig.; Eff. date, 17 Oct. 68

10. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 7.5 miles after passing CAM VOR.
Glens Falls VOR	CAM VOR (NOPT)	Direct	3200	Make left-climbing turn to 3200′ direct CAM VOR and hold.
Griswoldville Int	CAM VOR	Direct	4600	Supplementary charting information: Hold N of CAM VOR, 1 minute, right turns, 159° Inbnd.

Procedure turn W side of crs, 339° Outbnd, 159° Inbnd, 3200′ within 10 miles of CAM VOR.
FAF, CAM VOR. Final approach crs, 159°. Distance FAF to MAP, 7.5 miles.
Minimum altitude over CAM VOR, 3200′.
MSA: 000°–090°—5000′; 090°–180°—5000′; 180°–270°—4700′; 270°–360°—3000′.
NOTE: Radar vectoring: (1) Use Albany altimeter setting; (2) approach from a holding pattern not authorized. Procedure turn required.
%IFR departure: Depart over airport at 1400′ on heading 339°, climb to 3200′ on CAM VOR R 159°, direct CAM VOR. Depart CAM VOR at MEA for route of flight.
*Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C*	2840	3	2019	2840	3	2019	NA	NA
A	Not authorized.		T 2-eng. or less—1500–2.%*.				T over 2-eng.—1500–2.%*	

City, Bennington; State, Vt.; Airport name, Municipal; Elev., 821′; Facility, CAM; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.6 miles after passing OCN VOR (9.6 DME).
				Climbing right turn to 2500′ direct to OCN VOR.
				Supplementary charting information: LRCO, 122.1R.

Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2500′ within 10 miles of OCN VORTAC.
FAF, OCN VORTAC. Final approach crs, 119°. Distance FAF to MAP, 9.6 miles.
Minimum altitude over OCN VORTAC, 2500′.
MSA: 000°–090°—6800′; 090°–180°—4000′; 180°–270°—2100′; 270°–360°—6700′.
NOTE: Use Miramar (NKX) altimeter setting.
% IFR departure procedures: Runway 6, left turn after takeoff. Westbound, northbound, and eastbound (280° clockwise through 120°) departures require a minimum climb rate of 200′ per mile to 2000′ MSL.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1000	1	672	1000	1	672	1000	1½	672	NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%			

City, Carlsbad; State, Calif.; Airport name, Palomar; Elev., 328′; Facility, OCN; Procedure No. VOR-1, Amdt. 1; Eff. date, 17 Oct. 68; Sup. Amdt. No. VOR-1, Orig.; Dated, 2 Oct. 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing CCR VOR.
Crockett Int	CCR VOR	Direct	2500	Climbing right turn to 2500′ direct to CCR VOR, thence via CCR R 046° to Rio Int.
Napa VOR	CCR VOR	Direct	2500	
Bay Point Int	CCR VOR	Direct	2500	
College Int	CCR VOR	Direct	3000	
Napa VOR	Port Chicago Int	Direct	2100	
Port Chicago Int	CCR VOR (NOPT)	Direct	1000	

Procedure turn E side of crs, 351° Outbnd, 171° Inbnd, 2500′ within 10 miles of CCR VOR.
FAF, CCR VOR. Final approach crs, 171°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over CCR VOR, 1000′.
MSA: 000°–090°—2600′; 090°–180°—4900′; 180°–270°—3700′; 270°–360°—3900′.
NOTES: (1) Radar vectoring. (2) High terrain E, S, and W quadrants.
*When control zone not effective: (1) Circling MDA increased 70′; (2) use Travis AFB altimeter setting.
%Unless otherwise directed by ATC, IFR departures must comply with published Concord SIDs.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	680	1	657	680	1	657	820	1½	797	NA
A	1000–2.#		T 2-eng. or less—500–1 all runways.%				T over 2-eng.—500–1 all runways.%			

City, Concord; State, Calif.; Airport name, Buchanan Field; Elev., 23′; Facility, CCR; Procedure No. VOR Runway 19R, Amdt. 2; Eff. date, 17 Oct. 68; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 12 Mar. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: HVR VOR.
				Climb to 4400′ on R 088° within 10 miles, return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline 3260′ from threshold. 2741′ terrain 0.5 mile N. 2790′ water tank at 48°32′58″/109°42′04″. LRCO, 123.6. TDZ elevation, 2584′.

Procedure turn S side of crs, 268° Outbnd, 088° Inbnd, 4000′ within 10 miles of HVR VOR.
Final approach crs, 088°.
Minimum altitude over HVR VOR, 3060′.
MSA: 090°–180°—8000′; 180°–270°—6900′; 270°–090°—4500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–7	3060	1	476	3060	1	476	3060	1	476	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	3060	1	475	3060	1	475	3100	1½	515	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Harve; State, Mont.; Airport name, Harve City-County; Elev., 2585′; Facility, HVR; Procedure No. VOR Runway 7, Amdt. Orig.; Eff. date, 17 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: HVR VOR.
				Climb to 4400′ on R 241° within 10 miles return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. 2741′ terrain 0.5 mile, N. 2790′ water tower at 48°32′58″/109°42′04″. LRCO, 123.6. TDZ elevation, 2585′.

Procedure turn N side of crs, 061° Outbnd, 241° Inbnd, 4400′ within 10 miles of HVR VOR.
Final approach crs, 241°.
Minimum altitude over HVR VOR 3140′.
MSA: 090°–180°—8000′; 180°–270°—6900′; 270°–090°—4500′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–25	3140	1	555	3140	1	555	3140	1	555	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	3140	1	555	3140	1	555	3140	1½	555	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Harve; State, Mont.; Airport name, Harve City-County; Elev., 2585′; Facility, HVR; Procedure No. VOR Runway 25, Amdt. Orig.; Eff. date, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.1 miles after passing Farmington FM.
Gladstone Int	UBG VORTAC (NOPT)	Direct	3000	Right climbing turn to 3000′ direct UBG VORTAC and hold.
Aurora Int	UBG VORTAC (NOPT)	Direct	3000	
McCoy Int	UBG VORTAC (NOPT)	Direct	3000	Supplementary charting information: Chart 11.1-mile DME Fix R 346° at missed approach point.
10-mile DME Fix, R 204°	UBG VORTAC (NOPT)	Direct	3000	

Procedure turn W side of crs, 166° Outbnd, 346° Inbnd, 3000′ within 10 miles of UBG VORTAC.
FAF, 6-mile DME R 346°/FM. Final approach crs, 346°. Distance FAF to MAP, 5.1 miles.
Minimum altitude over UBG VORTAC, 3000′; over Farmington FM/6-mile DME R 346°, 2000′.
MSA: 000°–090°—3100′; 090°–180°—3800′; 180°–360°—4600′.
NOTES: (1) Use Portland altimeter setting when control zone not effective. (2) DME or Fan Markers required.
*Circling MDA 900′ when control zone is not effective.
%IFR departure procedures: Climb direct to UBG VORTAC before proceeding on crs or as directed by ATC.
#Alternate minimums not authorized when control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C*	600	1	396	660	1	456	660	1½	456	NA
A	Standard#.		T 2-eng. or less Runway 2, Standard; all others 200–1.%				T over 2-eng.—Runway 2, Standard; all others 200–1.%			

City, Hillsboro; State, Oreg.; Airport name, Portland-Hillsboro; Elev., 204′; Facility, UBG; Procedure No. VOR–1, Amdt. 6; Eff. date, 17 Oct. 68; Sup. Amdt. No. 5; Dated, 20 July 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.9 miles after passing LAW VOR.
Fort Sill Int	LAW VOR	Direct	2600	Climbing left turn to 2600′ direct LAW VOR and hold.
Duncan VOR	LAW VOR	Direct	2600	
Chattanooga Int	LAW VOR	Direct	2600	Supplementary charting information: Hold S of LAW VOR 167°–347° Inbnd, left turns, 1 minute. TDZ elevation, 1097′.
Temple Int	LAW VOR	Direct	2600	

Procedure turn not authorized. 1-minute holding pattern S of LAW VOR, 347° Inbnd, left turns, 2600′.
FAF, LAW VOR. Final approach crs, 347°. Distance FAF to MAP, 3.9 miles.
Minimum altitude over LAW VOR, 2300′.
MSA: 000°–360°—3500′.
NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-35	1460	1	363	1460	1	363	1460	1	363	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1500	1	391	1560	1	451	1560	1½	451	NA
A	Standard.		T-2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Lawton; State, Okla.; Airport name, Lawton Municipal; Elev., 1109′; Facility, LAW; Procedure No. VOR Runway 35, Amdt. 10; Eff. date, 17 Oct. 68; Sup. Amdt. No. VOR 1, Amdt. 9; Dated, 4 July 64

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: MQT VORTAC.
R 130°, MQT VORTAC clockwise	R 250°, MQT VORTAC	10-mile Arc	3200	Climb to 3200′ on R 070° MQT VORTAC within 10 miles, return to VORTAC.
R 360°, MQT VORTAC counterclockwise	R 250°, MQT VORTAC	10-mile Arc	2800	
10-mile DME Arc	MQT VORTAC (NOPT)	MQT R 250°	2080	Supplementary charting information: Final approach intercepts runway centerline 2850′ from threshold. Rough unlighted terrain all quadrants. TDZ elevation, 1402′.

Procedure turn S side of crs, 250° Outbnd, 070° Inbnd, 3200′ within 10 miles of MQT VORTAC.
Final approach crs, 070°.
Minimum altitude over Nagaunee Int or 3-mile DME Fix, 2080′.
MSA: 000°–090°—2800′; 090°–270°—3300′; 270°–360°—3100′.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL or REIL Runway 8.
% IFR departure restriction: Aircraft departing Runways 8/26, climb to 2400′ on runway heading before proceeding on crs. Restriction due 2241′ tower 5 miles SW, 2110′ tower, 4 miles SW, and 1768′ tower, 2 miles N of airport.
# Sliding scale not authorized.
CAUTION: Runways 1/19 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8#	2080	1	678	2080	1	678	2080	1¼	678	2080	1½	678
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2080	1	661	2080	1	661	2080	1½	661	2080	2	661
	Dual VOR or VOR/DME Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-8#	1920	1	518	1920	1	518	1920	1	518	1920	1¼	518
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1980	1	561	1980	1	561	1980	1½	561	2080	2	661
A	Standard.		T 2-eng. or less—Runway 1/19, 600–1; standard all other runways.%				T over 2-eng.—Runway 1/19, 600–1; standard all other runways.%					

City, Marquette; State, Mich.; Airport name, Marquette County; Elev., 1419′; Facility, MQT; Procedure No. VOR Runway 8, Amdt. 7; Eff. date, 17 Oct. 68; Sup. Amdt. No. Ter VOR-8, Amdt. 6; Dated, 17 Sept. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via—	Minimum altitudes (feet)	MAP: MQT VORTAC.
R 310°, MQT VORTAC clockwise	R 084°, MQT VORTAC	10-mile Arc	2800	Climb to 3200′ on R 264° MQT VORTAC within 10 miles, return to VORTAC.
R 210°, MQT VORTAC counterclockwise	R 150°, MQT VORTAC	10-mile Arc	3200	
R 150°, MQT VORTAC counterclockwise	R 084°, MQT VORTAC	10-mile Arc	2800	Supplementary charting information: Final approach intercepts runway centerline 2650′ from threshold. Rough unlighted terrain all quadrants. TDZ elevation, 1417′.
10-mile DME Arc	MQT VORTAC (NOPT)	MQT R 084°	1980	

Procedure turn N side of crs, 084° Outbnd, 264° Inbnd, 2800′ within 10 miles of MQT VORTAC.
Final approach crs, 264°.
Minimum altitude over Forrestville Int or 4-mile DME Fix, 1980′.
MSA: 000°–090°—2800′; 090°–270°—3300′; 270°–360°—3100′.
NOTES: (1) Radar vectoring. (2) Inoperative table does not apply to HIRL or REIL Runway 26.
%IFR departure restriction: Aircraft departing Runways 8/26, climb to 2400′ on runway heading before proceeding on crs. Restriction due 2241′ tower 5 miles SW, 2110′ tower 4 miles SW, and 1768′ tower 2 miles N of airport.
#Sliding scale not authorized.
CAUTION: Runways 1/19 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–26#	1980	1	563	1980	1	563	1980	1	563	1980	1¼	563
Dual VOR or VOR/DME Minimums:												
S–26#	1920	1	503	1920	1	503	1920	1	503	1920	1¼	503
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1980	1	561	1980	1	561	1980	1½	561	2080	2	661
A	Standard.		T 2-eng. or less—Runways 1/19, 600–1; Standard all other runways.%				T over 2-eng.—Runways 1/19, 600–1; Standard all other runways.%					

City, Marquette; State, Mich.; Airport name, Marquette County; Elev., 1419′; Facility, MQT; Procedure No. VOR Runway 26, Amdt. 6; Eff. date, 17 Oct. 68; Sup. Amdt. No. Ter VOR–26, Amdt. 5; Dated, 17 Sept. 66

11. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.7 miles after passing ADM VOR.
ADM NDB	ADM VORTAC	Direct	2500	Climb to 2700′ on R 047° within 20 miles.
DUC VOR	ADM VORTAC	Direct	2600	Supplementary charting information: Tower 1.7 miles N, 1075′.

Procedure turn S side of crs, 227° Outbnd, 047° Inbnd, 2500′ within 10 miles of ADM VORTAC.
FAF, Ardmore VORTAC. Final approach crs, 047°. Distance FAF to MAP, 8.7 miles.
Minimum altitude over ADM VORTAC, 2000′; over Autry 6-mile DME, 1360′.
MSA: 000°–090°—2700′; 090°–180°—2900′; 180°–270°—2500′; 270°–360°—2700′.
#Night operations not authorized Runways 4–22.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–4#	1360	1	598	1360	1	598	1360	1	598	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1360	1	598	1360	1	598	1380	1½	618	NA
	VOR/DME Minimums:									
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	
S–4#	1200	1	438	1200	1	438	1200	1	438	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1300	1	538	1300	1	538	1380	1½	618	NA
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Ardmore; State, Okla.; Airport name, Ardmore Municipal; Elev., 762′; Facility, ADM; Procedure No. VOR Runway 4, Admt. 5; Eff. date, 17 Oct. 68; Sup. Admt. No. 4. Dated, 29 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing ADM VOR.
				Climb to 2500′, right turn direct to ADM VOR and hold. Supplementary charting information: Hold SW of Ardmore VORTAC R 224°, Inbnd 044° right turns, 1-minute pattern.

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2500′ within 10 miles of ADM VOR.
FAF, ADM VOR. Final approach crs, 140°. Distance FAF to MAP, 4.3 miles.
Minimum altitude over ADM VOR, 1800′.
MSA: 180°–270°—2500′; 270°–180°—2900′.
%N takeoff maintain runway heading until reaching 1300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS
C	1540	1	700	1540	1	700	1580	1½	740		NA
A	Not authorized.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%				

Clty, Ardmore; State Okla.; Airport name, Downtown Ardmore; Elev., 840′; Facility, ADM; Procedure No. VOR-1, Amdt. 2; Eff. date, 17 Oct. 68; Sup. Amdt. No. 1; Dated, 29 Aug. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OSH VOR.
				Climb to 2600′ on R 093° within 10 mile of VOR, return to VOR. Supplementary charting information: Final approach crs intercepts runway centerline 3000′ from threshold. TDZ elevation, 796′.

Procedure turn S side of crs, 273° Outbnd, 093° Inbnd, 2600′ within 10 miles of OSH VOR.
Final approach crs, 093°.
MSA: 000°–180°—2700′; 180°–270°—2400′; 270°–360°—2200′.
NOTES: (1) Radar vectoring. (2) Circling and straight-in MDA increased 160′ and alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service. (3) Inoperative table does not apply to HIRL or REIL Runway 9.
*Use Green Bay altimeter setting when OSH control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9*	1200	1	404	1200	1	404	1200	1	404	1200	1	404
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1220	1	415	1260	1	455	1260	1½	455	1360	2	555
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 805′; Facility, OSH; Procedure No. VOR Runway 9, Amdt. 1; Eff. date, 17 Oct. 68; Sup. Amdt. No. Orig.; Dated, 3 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OSH VOR.
				Climb to 2200′ on R 307° OSH VOR within 10 miles, return to VOR. When directed by ATC, climb to 2200′ on R 088° OSH VOR within 10 miles, return to VOR. Supplementary charting information: TDZ elevation, 805′.

Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2200′ within 10 miles of OSH VOR.
Final approach crs, 360°.
MSA: 000°–180°—2700′; 180°–270°—2400′; 270°–360°—2200′.
NOTES: (1) Radar vectoring. (2) Circling and straight-in MDA increased 160′ and alternate minimums not authorized when control zone not effective except for operators with approved weather reporting service. (3) Runways 4/22 and 13/31 unlighted. (4) Inoperative component table does not apply to HIRL.
*Use Green Bay altimeter setting when OSH control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–36*-----	1200	1	395	1200	1	395	1200	1	395	1200	1	395
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*-----	1220	1	415	1260	1	455	1260	1½	455	1360	2	555
A-----	Standard.*			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 805′; Facility, OSH; Procedure No. VOR Runway 36; Amdt. 8; Eff. date, 17 Oct. 68; Sup. Amdt. No. 7; Dated, 3 Oct. 68

12. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.8 miles after passing Biltmore NDB.
Weaverville Int-----	Biltmore NDB (IMO)-----	Direct-----	6000	Climb to 5000′ direct to BRA NDB and hold.
AVL VORTAC-----	Biltmore NDB (IMO)-----	Direct-----	6000	
BRA NDB-----	Biltmore NDB (IMO)-----	Direct-----	6000	
Owen Int-----	Biltmore NDB (IMO)-----	Direct-----	5500	Supplementary charting information: Biltmore holding; hold S 340° Inbnd, 1 minute, right turns 5000′. BRA NDB holding; hold S, 341° Inbnd, 1 minute, right turns. Chart AVL VORTAC R 298° over Biltmore NDB. VASI–16. TDZ elevation, 2161′.

Procedure turn E side of crs, 340° Outbnd, 160° Inbnd, 5500′ within 10 miles of Biltmore NDB.
FAF, Biltmore NDB. Final approach crs, 160°. Distance FAF to MAP, 5.8 miles.
Minimum altitude over Biltmore NDB, 4200′.
MSA: 000°–090°—8800′; 090°–180°—6500′; 180°–270°—8500′; 270°–360°—8300′.
%IFR departure procedures: Climb to 5000′ or higher if directed by ATC, via the procedures specified below before continuing on course:
Runway 34—340° to Biltmore NDB; if necessary, climb in holding pattern until reaching 5000′.
Runway 16—161° track.
#Sliding scale not authorized.
@Circling E side of airport. Night circling not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–16#-----	3360	1½	1199	3360	1¾	1199	3360	2	1199	3360	2¼	1199
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@-----	3360	1½	1199	3360	1¾	1199	3360	2	1199	3360	2¼	1199
A-----	1500–2 day, night, not authorized.			T 2-eng. or less—400–1, Runway 34; Standard Runway 16.%			T over 2-eng.—400–¾, Runway 34; Standard Runway 16.%					

City, Asheville; State, N.C.; Airport name, Municipal; Elev., 2161′; Facility, IMO; Procedure No. NDB (ADF) Runway 16, Amdt. 6; Eff. date, 17 Oct. 68; Sup. Amdt. No. ADF 2, Amdt. 5; Dated, 20 Aug. 66

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 9.7 miles after passing BRA NDB.
AVL VORTAC	BRA NDB	Direct	5000	Climb on crs of 340° to Biltmore NDB and continue climb, if necessary in holding pattern S of Biltmore NDB to 5000′ or higher as directed by ATC before continuing climb on crs or returning to BRA NDB, or when directed by ATC, climb on crs of 341° from BRA NDB to 8000′.
SPA VORTAC	Tuxedo Int	Direct	5000	
Tuxedo Int	BRA NDB (NOPT)	Direct	5000	
Owen Int	BRA NDB	Direct	5000	

Supplementary charting information: Biltmore holding; hold S 340° Inbnd, 1 minute, right turns 5000′. Depict missed approach fix and holding on approach plate. Chart AVL VORTAC R 256° over OM. VASI-16. TDZ elevation, 2140′.

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 5000′ within 10 miles of BRA NDB.
FAF, BRA NDB. Final approach crs, 341°. Distance FAF to MAP, 9.7 miles.
Minimum altitude over BRA NDB, 5000′; over OM, 3340′.
MSA: 000°–090°—8700′; 090°–180°—5500′; 180°–270°—7300′; 270°–360°—8400′.
%IFR departure procedures: Climb to 5000′, or higher if directed by ATC, via tbe procedures specified below before continuing on crs.
Runway 34—340° to Biltmore NDB; if necessary, climb in holding pattern until reaching 5000′.
Runway 16—161° track.
#Sliding scale not authorized.
@Circling E side of airport. Night circling not authorized.
*Inoperative table does not apply to ALS Runway 34.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34*#	3340	1¾	1200	3340	2	1200	3340	2¼	1200	3340	2½	1200
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	3340	2	1179	3340	2	1179	3340	2¼	1179	3340	2½	1179
	NDB/VOR or FM minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34*#	2780	1	640	2780	1	640	2780	1¼	640	2780	1½	640
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	3060	2	899	3060	2	899	3060	2	899	3060	2	899
A	1500–2, day, nigbt, not authorized.			T 2-eng. or less—400–1, Runway 34: Standard Runway 16.%					T over 2-eng.—400–¾, Runway 34; Standard Runway 16.%			

City, Asbeville; State, N.C.; Airport name, Municipal; Elev., 2161′; Facility, BRA; Procedure No. NDB (ADF) Runway 34, Amdt. 5; Eff. date, 17 Oct. 68; Sup. Amdt. No ADF1, Amdt. 4; Dated, 20 Aug. 66

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: Cambridge NDB.
Choptank Int	Cambridge NDB	Direct	2000	Climb to 1600′, rigbt turn direct to CGE NDB and hold.
Golden Hill Int	Cambridge NDB	Direct	2000	

Supplementary charting information: Hold SE of Cambridge NDB, 1 minute, right turns, 333° Inbnd.

Procedure turn E side of crs, 153° Outbnd, 333° Inbnd, 1600′ witbin 10 miles of Cambridge NDB.
Final approach crs, 333°.
Minimum altitude over Cambridge NDB, 840′.
MSA: 000°–090°—1400′; 090°–180°—1700′; 180°–270°—1300′; 270°–360°—1400′.
NOTE: Use Salisbury, Md., altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B	C	D
	MDA	VIS	HAT	VIS	VIS	VIS
S-34	840	1	820	NA	NA	NA
	MDA	VIS	HAA	VIS	VIS	VIS
C	840	1	820	NA	NA	NA
A	Not autborized.			T 2-eng. or less—Standard.	T over 2-eng.—Standard.	

City, Cambridge; State, Md.; Airport name, Cambridge Municipal; Elev., 20′; Facility, CGE; Procedure No. NDB (ADF) Runway 34, Amdt. Orig.; Eff. date, 17 Oct. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CDN NDB.
ELD VOR	CDH NDB	Direct	2000	Climb to 2000', left turn direct to CDH NDB and hold.
PBF VOR	CDH NDB	Direct	2000	Supplementary charting information: Hold N 005°–185° Inbnd, 1 minute, left turns.

Procedure turn E side of crs, 005° Outbnd, 185° Inbnd, 2000' within 10 miles of CDH NDB.
Minimum altitude over CDH NDB, 640'.
MSA: 000°–360°—2000'.
NOTE: Use El Dorado altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–18	640	1	512	640	1	512	640	1	512	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	760	1	632	760	1	632	760	1½	632	NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Camden; State, Ark.; Airport name, Harrell Field; Elev., 128'; Facility, CDH; Procedure No. NDB (ADF) Runway 18, Amdt. Orig.; Eff. date, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: CXO NDB.
Conroe Int	CXO NDB	Direct	1800	Climb to 1800', right turn direct to CXO NDB and hold.
New Waverly Int	CXO NDB	Direct	1800	Supplementary charting information: Hold NW, 1 minute, right turn, 140° Inbnd. TDZ elevation, 245'.
Cleveland Int	CXO NDB	Direct	1800	

Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 1800' within 10 miles of CXO NDB.
Final approach crs, 140°.
MSA within 25 miles of CXO NDB: 000°–360°—1800'.
NOTES: (1) Straight-in and circling MDA increased 190' when Montgomery County altimeter setting not received. (2) Runways 1/19 and 9/27 unlighted.
*Use Houston altimeter setting when Montgomery County altimeter setting not received.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–14*	660	1	415	660	1	415	660	1	415	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C*	660	1	413	700	1	453	700	1½	453	NA
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Conroe; State, Tex.; Airport name, Montgomery County; Elev., 247'; Facility, CXO; Procedure No. NDB (ADF) Runway 14, Amdt. Orig.; Eff. date, 17 Oct. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 8.1 miles after passing LBE NDB.
Greensburg Int	LBE NDB	Direct	4200	Make right-climbing turn to 3700' direct to LBE NDB and hold.
Indian Head VORTAC	LBE NDB	Direct	4500	Supplementary charting information: Hold NE, 1 minute, right turns, 232° inbnd. Final approach crs intercepts Runway 21 centerline extended 400' from end of runway. High terrain E and S of airport. TDZ elevation, 1145'.

Procedure turn N side of crs, 052° Outbnd, 232° Inbnd, 3700' within 10 miles of LBE NDB.
FAF, LBE NDB. Final approach crs, 232°. Distance FAF to MAP, 8.1 miles.
Minimum altitude over LBE NDB, 3400'; over OM, 2160'.
Distance to runway threshold at OM, 3.8 miles.
MSA: 000°–090°—4000'; 090°–180°—4100'; 180°–270°—4100'; 270°–360°—3700'.
%Turn to 270° after takeoff and climb to 3500' within 10 miles, then proceed as cleared by ATC.
#Use Allegheny County altimeter when local altimeter not available and increase the altitude over the NDB and OM and all landing MDA's by 100'.

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-21#	2160	1¼	1015	2160	1½	1015	2160	1¾	1015	2160	2	1015
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	2160	1¼	1011	2160	1½	1011	2160	1¾	1011	2360	2	1211
	Outer Marker Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-21#	1900	1	755	1900	1¼	755	1900	1½	755	1900	1¾	755
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C#	1900	1	751	1900	1¼	751	1900	1½	751	2200	2	1051
A	Not authorized.			T 2-eng. or less—300–1.%			T over 2-eng.—300–1.%					

City, Latrobe; State, Pa.; Airport name, Westmoreland-Latrobe; Elev., 1149′; Facility, LBE NDB; Procedure No. NDB (ADF) Runway 21, Amdt. Orig.; Eff. date, 17 Oct. 68

13. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing ADM NDB.
ADM VORTAC	ADM NDB	Direct	2500	Climb to 2700′ on crs 076° within 20 miles:
DUC VOR	ADM NDB	Direct	2600	Supplementary charting information: Tower 1.7 miles N, 1075′.

Procedure turn S side of crs, 256° Outbnd, 076° Inbnd, 2500′ within 10 miles of ADM NDB.
FAF, ADM NDB. Final approach crs, 076°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over ADM NDB, 2300′.
MSA: 000°–090°—2700′; 090°–180°—2900′; 180°–270°—2500′; 270°–360°—2700′.
#NIGHT operations not authorized Runways 4–22.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-8	1300	1	538	1300	1	538	1300	1	538	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C#	1300	1	538	1300	1	538	1380	1½	618	NA
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.			

City, Ardmore; State, Okla.; Airport name, Ardmore Municipal; Elev., 762′; Facility, ADM; Procedure No. NDB (ADF) Runway 8, Amdt. 4; Eff. date, 17 Oct. 68; Supp. Amdt. No. 3; Dated, 29 Aug. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing LOM.
OSH VOR	OS LOM	Direct	2600	Climb to 2600′ on 089° bearing from LOM within 10 miles, return to LOM. When directed by ATC, right-climbing turn to LOM, then climb to 2600′ on 269° bearing from LOM within 10 miles, return to LOM. Supplementary charting information: TDZ elevation, 796′.

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2600′ within 10 miles of OSH LOM.
FAF, OSH LOM. Final approach crs, 089°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over OSH LOM, 2500′.
MSA: 000°–180°—2700′; 180°–360°—2400′.
NOTES: (1) Radar vectoring. (2) Runways 4/22 and 13/31 unlighted. (3) Procedure not authorized when OSH control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–9	1200	1	404	1200	1	404	1200	1	404	1200	1	404
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	415	1260	1	455	1260	1½	455	1360	2	555
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Osbkosb; State, Wis.; Airport name, Winnebago County; Elev., 805′; Facility, OS; Procedure No. NDB (ADF) Runway 9, Amdt. 7; Eff. date, 17 Oct. 68; Sup. Amdt. No. 6; Dated, 3 Oct. 68

14. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, beadings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: DH, 2440′; LOC 9.7 miles after passing BRA NDB.
AVL VORTAC	BRA NDB	Direct	5000	Climb on crs of 340° to Biltmore NDB and continue climb, if necessary in holding pattern S of Biltmore NDB to 5000′ or higher as directed by ATC before continuing climb on crs or returning to BRA NDB, or when directed by ATC, climb on crs of 341° from BRA NDB to 8000′. Supplementary charting information: Biltmore holding; hold S, 340° Inbnd, 1 minute, right turns, 5000′. Back crs unusable. Glide slope unusable below 2310′—VASI–16. Depict missed approach fix and holding on approach plate. Chart AVL VORTAC R 256° over OM. TDZ elevation, 2140′.
Owen Int	BRA NDB	Direct	5000	
SPA VORTAC	Tuxedo Int	Direct	5000	
Tuxedo Int	BRA NDB (NOPT)	Direct	5000	

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 5000′ within 10 miles of BRA NDB.
FAF, BRA NDB. Final approach crs, 341°. Distance FAF to MAP, 9.7 miles.
Minimum glide slope interception altitude, 5000′. Glide slope altitude at OM, 3519′; at MM, 2329′.
Distance to runway threshold at OM, 4.7 miles; at MM, 0.6 mile.
MSA: 000°–090°—8700′; 090°–180°—5500′; 180°–270°—7300′; 270°–360°—8400′.
%IFR departure procedures: Climb to 5000′, or higher if directed by ATC, via the procedures specified below before continuing on crs:
Runway 34—340° to Biltmore NDB; if necessary, climb in holding pattern until reaching 5000′.
Runway 16—161° track.
#Sliding scale not authorized.
@Circling E side of airport. Night circling not authorized.
*Inoperative table does not apply to HIRL or ALS Runway 34.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S–34	2440	¾	300	2440	¾	300	2440	¾	300	2440	¾	300
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	2880	1	719	2880	1	719	2880	1½	719	2880	2	719
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S–34#*	2680	1	540	2680	1	540	2680	1	540	2680	1¼	540
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C@	2880	1	719	2880	1	719	2880	1½	719	2880	2	719
A	1000–2.		T 2-eng. or less—400–1, Runway 34; Standard Runway 16%.				T over 2-eng		400–¾, Runway 34; Standard Runway 16%.			

City, Asbeville; State, N.C.; Airport name, Municipal; Elev., 2161′; Facility, I–AVL; Procedure No. ILS Runway 34, Amdt. 8; Eff. date, 17 Oct. 68; Sup. Amdt. No. ILS–34, Amdt. 7; Dated, 7 Jan. 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LDA/DME

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall he in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	Map: 1 DME.
25-mile DME (BKA R 339°) counterclockwise	14-mile DME on SIT LDA/DME W crs.	14-mile Arc SIT LDA/MDE	3400	Turn right, intercept the N crs SIT LFR climbing to 4000′, proceed to SIT LFR.
BKA VORTAC	SIT LDA/DME W crs	BKA R 339°	4000	Supplementary charting information:
SIT LFR	SIT LDA/DME W crs	SIT LFR 337° bearing	4000	Final approach crs 350′ right of runway
27-mile DME BKA, R 294°	14-mile DME on SIT LDA/DME W crs.	042 direct crs to 19-mile DME on the SIT LDA/DME and SIT LDA/DME W crs.	3400	centerline.
14-mile DME on SIT LDA/DME W crs	8-mile DME on SIT LDA/DME W crs (NOPT).	SIT LDA/DME W crs	2000	$Chart in Plan View.

Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 3400′ within 10 miles of SIT LDA 4-mile DME Fix.
Final approach crs, 107°.
Minimum altitude over 8-mile DME Fix, 2000′; over 4-mile DME Fix, 1300′; over 2-mile DME Fix, 500′.
NOTES: (1) All circling to be conducted S of airport. (2) Procedure not authorized without DME.
$ Final approach from holding pattern not authorized. Procedure turn required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	400	1	381	400	1	381	400	1	381	400	1	381
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	500	1	481	560	1	541	560	1½	541	660	2	641
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Sitka; State, Alaska; Airport name, Sitka; Elev., 19; Facility SIT; Procedure No. LDA/DME Runway 11, Amdt. Orig.; Eff. date, 17 Oct. 68

15. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 1095′. LOC 5.7 miles after passing OS LOM.
OSH VOR	OS LOM	Direct	2600	Climb to 2600′ on E crs of ILS within 10 miles, return to LOM. When directed by ATC, make right-climbing turn to 2600′ on R 165° OSH VOR within 10 miles, return to LOM. Supplementary charting information: 825′ stack 0.16 mile NE. TDZ elevation, 796′.

Procedure turn S side of crs, 269° Outbnd, 089° Inbnd, 2600′ within 10 miles of OS LOM.
FAF, OS LOM. Final approach crs, 089°, Distance FAF to MAP, 5.7 miles.
Minimum glide slope interception altitude, 2600′. Glide slope altitude at OM, 2498′; at MM, 1001′.
Distance to runway threshold at OM, 5.7 miles; at MM, 0.6 mile.
MSA: 000°–180°—2700′; 180°–360°—2400′.
NOTES: (1) Radar vectoring. (2) Runways 4/22 and 13/31 unlighted. (3) No approach lights. (4) Circling and straight-in LOC MDA and ILS DH increased 160′ and alternate minimums not authorized when OSH control zone not effective except for operators with approved weather reporting service. (5) Inoperative component table does not apply to REIL.
*Use Green Bay altimeter setting when OSH control zone not effective.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9*	1096	¾	300	1096	¾	300	1096	¾	300	1096	¾	300
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9*	1160	¾	364	1160	¾	364	1160	¾	364	1160	1	364
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C*	1220	1	415	1260	1	455	1260	1½	455	1360	2	555
A	Standard.*		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 805′; Facility, I-OSH; Procedure No. ILS Runway 9, Amdt. 10; Eff. date, 17 Oct. 68; Sup. Amdt. No. 9; Dated, 3 Oct. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on September 12, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-11446; Filed, Oct. 3, 1968; 8:45 a.m.]

[Docket No. HM-2; Amdt. 103-4]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Radioactive Materials and Other Miscellaneous Amendments

CROSS REFERENCE: For a document amending the radioactive materials regulations in Part 103 of Chapter I of Title 14 and making other miscellaneous amendments to Part 103, see F.R. Doc. 68-11880, 49 CFR Parts 171-178, Department of Transportation, Hazardous Materials Regulations Board, Part II of this issue, *infra*.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3110 is amended to remove from Schedule A the obsolete appointing authorities covering clerks in fourth-class post offices and special delivery messengers in second-, third-, and fourth-class post offices. Effective on publication in the FEDERAL REGISTER, subparagraphs (1) and (3) of paragraph (a) of § 213.3110 are revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-12088; Filed, Oct. 3, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that until June 30, 1970, the positions of Director of State and Local Operations, seven Program Directors, and Director of Planning and Analysis in the National Endowment for the Arts; and the positions of Special Assistant to the Chairman, Director of Planning and Analysis and his Assistant; Director, Division of Fellowships and Stipends and his Program Officer; and Director, Division of Research and Publications and his Program Officer in the National Endowment for the Humanities, will continue in Schedule A. It is also amended to show that the positions of four Project Evaluators in the National Endowment for the Arts and the positions of Director, Division of Education, and his Program Officer, and Program Officer, Division of Public Programs, in the National Endowment for the Humanities are in Schedule A until June 30, 1970. Effective on publication in the FEDERAL REGISTER, paragraphs (a) and (b) of § 213.3182 are amended as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* * * *

(2) Until June 30, 1970, Director of State and Local Operations when filled at grade GS-15 or below.

(3) Until June 30, 1970, seven Program Directors.

* * * * *

(5) Until June 30, 1970, Director of Planning and Analysis when filled at grade GS-15 or below.

* * * * *

(11) Until June 30, 1970, four Project Evaluators.

(b) *National Endowment for the Humanities.* * * *

(3) Until June 30, 1970, Director of Planning and Analysis when filled at grade GS-15 or below.

(4) Until June 30, 1970, Director, Division of Fellowships and Stipends.

(5) Until June 30, 1970, Director, Division of Research and Publications.

(6) Until June 30, 1970, Special Assistant to the Chairman.

(7) Until June 30, 1970, Program Officer, Division of Education.

(8) Until June 30, 1970, Program Officer, Division of Fellowships and Stipends.

(9) Until June 30, 1970, Program Officer, Division of Research and Publications.

(10) Until June 30, 1970, Assistant to the Director of Planning and Analysis.

(11) Until June 30, 1970, Director, Division of Education.

(12) Until June 30, 1970, Program Officer, Division of Public Programs.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-12087; Filed, Oct. 3, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Private Secretary to the Program Coordinator, Economic Development Administration, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (17) of paragraph (q) of § 213.3314 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-12086; Filed, Oct. 3, 1968; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to extend until September 30, 1969, the time limitation on use of the Schedule A authority for employment of the mentally retarded under written agreements between Federal agencies and the Civil Service Commission. Effective October 1, 1968, paragraph (t) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(t) Until September 30, 1969, positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Commission. Provisions to be included in such agreements are specified in the Federal Personnel manual.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68-12151; Filed, Oct. 3, 1968; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

PART 874—SUGARCANE; LOUISIANA

Fair and Reasonable Prices for 1968 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence presented at the public hearing held in Houma, La., on June 24, 1968, the following determination is hereby issued.

Sec.
874.21 General requirements.
874.22 Definitions.
874.23 Basic price.
874.24 Conversion of net sugarcane to standard sugarcane.
874.25 Payment for frozen sugarcane.
874.26 Molasses payment.
874.27 Hoisting, weighing, and transportation.

Sec.
874.28 Mutual plan for improving harvesting and delivery.
874.29 Toll agreements.
874.30 Applicability.
874.31 Subterfuge.
874.32 Processor mill procedures and checking compliance.

AUTHORITY: Secs. 874.21 to 874.32 issued pursuant to sec. 301 of the Sugar Act of 1948, as amended. (Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Supp. 1131, as amended.)

§ 874.21 General requirements.

A producer of sugarcane in Louisiana who is also a precessor of sugarcane, to which this part applies as provided in § 874.30 (herein referred to as "processor") shall have paid or contracted to pay for sugarcane of the 1968 crop grown by other producers and processed by him, or shall have processed sugarcane of other processors under a toll agreement, in accordance with the following requirements.

§ 874.22 Definitions.

For the purpose of this section the term:

(a) "Price of raw sugar" means the price of 96° raw sugar quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(b) "Price of blackstrap molasses" means the price per gallon of blackstrap molasses quoted by the Louisiana Sugar Exchange, Inc., except that if the Director of the Policy and Program Appraisal Division determines that such price does not reflect the true market value of blackstrap molasses, because of inadequate volume, failure to report sales in accordance with the rules of such exchange or other factors, he may designate the price to be effective under this determination, which he determines will reflect the true market value of blackstrap molasses.

(c) "Weekly average price" means the simple average of the daily prices of raw sugar or blackstrap molasses, for the week (Friday through the following Thursday), in which the sugarcane is delivered.

(d) "Season's average price" means the simple average of the weekly prices of raw sugar or of blackstrap molasses for the period October 4, 1968, through April 24, 1969.

(e) "Delivered average price" means the weighted average price of 1968-crop raw sugar determined by weighting (1) the simple average of the daily prices of raw sugar for the period October 4, 1968, through December 31, 1968, by the quantity of 1968-crop sugar, raw value, marketed under the processors' 1968 marketing allotment; and (2) the simple average of the daily prices of raw sugar for the period January 1, 1969, through February 27, 1969, by the quantity of 1968-crop sugar, raw value, not marketed in 1968 under the processors' 1968 marketing allotment.

(f) "Net sugarcane" means the quantity of sugarcane obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(g) "Trash" means green or dried leaves, sugarcane tops, dirt, and all other extraneous material delivered with sugarcane.

(h) "Standard sugarcane" means net sugarcane, containing 12 percent sucrose in the normal juice with a purity of a least 76.00 but not more than 76.49 percent.

(i) "Salvage sugarcane" means any sugarcane containing either less than 9.5 percent sucrose in the normal juice or less than 68 purity in the normal juice.

(j) "Percent sucrose in normal juice" means average percent sucrose in sample mill juice obtained from producers' sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to the average percent sucrose in sample mill juice extracted from producers' sugarcane.

(k) "Average percent sucrose in sample mill juice" means the percentage of sucrose solids in juice extracted from samples of producers' sugarcane by the sample mill.

(l) "Factory crusher juice Brix" means the percentage of soluble solids in undiluted mill crusher juice as determined by direct analysis in accordance with standard procedures.

(m) "Factory normal juice sucrose" means the percentage of sucrose in undiluted juice extracted by a mill tandem as determined by multiplying factory dilute juice purity by factory normal juice Brix.

(n) "Factory normal juice Brix" means the percentage of soluble solids in the undiluted juice extracted from sugarcane by mill tandem as determined by multiplying factory crusher juice Brix by a dry milling factor representing the ratio of factory normal juice Brix to factory crusher juice Brix.

(o) "Factory dilute juice purity" means the ratio of factory dilute juice sucrose to factory dilute juice Brix which are determined by direct analysis.

(p) "Percent purity of normal juice" means the ratio which the percentage of sucrose solids bears to the percentage of Brix solids in the normal juice of each producer's sugarcane.

(q) "State office" means the Louisiana State Agricultural Stabilization and Conservation Service Office, 3737 Government Street, Alexandria, La. 71303.

(r) "State committee" means the Louisiana State Agricultural Stabilization and Conservation Committee.

§ 874.23 Basic price.

(a) The basic price for standard sugarcane shall be not less than $1.05 per ton for each 1-cent per pound of raw sugar determined on the basis of the weekly average price, the season's average price, or the delivered average price as elected by the processor in writing to the State Office not later than October 14, 1968, and the pricing basis elected shall be used for pricing all 1968-crop sugarcane. The average price of raw sugar as determined above shall be increased 0.03 cent for all mills located in Freight Area (a); shall be unchanged for all mills in Freight Area (b); and may be decreased 0.03 cent in Freight Area (c).[1]

(b) The basic price for salvage sugarcane shall be determined in accordance with the method of settlement used by the processor for the 1967 crop, except that the processor and producer may agree upon a different method of settlement subject to written approval by the State office upon a determination by the State committee that the method of settlement and the resultant price are fair and reasonable.

§ 874.24 Conversion of net sugarcane to standard sugarcane.

Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane as follows:

(a) By multiplying the quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

Percent sucrose in normal juice	*Standard quality sugarcane factor* [1]
9.5	0.60
10.5	.80
11.0	.90
11.5	.95
12.0	1.00
12.5	1.05
13.0	1.10
13.5	1.15
14.0	1.20
14.5	1.25

[1] The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 14.5 percent sucrose in the normal juice shall be computed in proportion to the immediately preceding interval.

and,

(b) By multiplying the quantity determined pursuant to paragraph (a) of this section by the applicable purity factor in the following table:

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[1] Freight Area (a) includes all mills except those located in Areas (b) and (c) below;

Freight Area (b) includes all mills located north of Bayou Goula between the Atchafalaya and Mississippi Rivers and southeast of New Iberia and west of the Atchafalaya River.

Freight Area (c) includes all mills located north and west of New Iberia west of the Atchafalaya River.

STANDARD SUGARCANE PURITY FACTOR [1]

Percent purity of normal juice		Percent sucrose in normal juice															
		At least 9.50	9.70	9.90	10.10	10.30	10.50	11.00	11.50	12.00	12.50	13.00	13.50	14.00	14.50	15.00	15.50
At least	But not more than	But not more than 9.69	9.89	10.09	10.29	10.49	10.99	11.49	11.99	12.49	12.99	13.49	13.99	14.49	14.99	15.49	15.99
68.00	68.24	1.000	0.989	0.978	0.967	0.956	0.945	0.936	0.929	0.922	0.915	0.908	0.901	0.894	0.887	0.880	0.873
68.25	68.49	1.005	.993	.982	.971	.960	.949	.941	.934	.927	.920	.913	.906	.899	.892	.885	.878
68.50	68.74	1.010	.998	.987	.976	.965	.954	.945	.938	.931	.924	.917	.910	.904	.897	.890	.884
68.75	68.99	1.016	1.003	.992	.981	.970	.959	.950	.943	.936	.929	.922	.915	.909	.902	.896	.890
69.00	69.49	1.021	1.009	.997	.986	.975	.964	.955	.948	.941	.934	.927	.920	.914	.908	.902	.896
69.50	69.99	1.025	1.013	1.001	.990	.979	.968	.960	.953	.945	.938	.931	.924	.918	.912	.906	.900
70.00	70.49	1.030	1.018	1.006	.995	.984	.973	.965	.958	.950	.943	.936	.929	.923	.917	.911	.905
70.50	70.99	1.035	1.023	1.011	.999	.988	.977	.969	.962	.954	.947	.940	.933	.927	.921	.915	.909
71.00	71.49	1.040	1.028	1.016	1.004	.993	.982	.974	.966	.959	.951	.945	.938	.932	.926	.920	.914
71.50	71.99	1.045	1.033	1.021	1.009	.998	.987	.978	.970	.963	.955	.949	.942	.936	.930	.924	.918
72.00	72.49	1.050	1.038	1.026	1.014	1.003	.992	.983	.975	.967	.960	.954	.947	.940	.934	.928	.922
72.50	72.99	1.055	1.043	1.031	1.019	1.007	.996	.987	.979	.971	.964	.958	.951	.944	.938	.932	.926
73.00	73.49	1.060	1.048	1.036	1.024	1.012	1.000	.991	.984	.976	.968	.962	.955	.948	.942	.936	.930
73.50	73.99	1.065	1.052	1.040	1.028	1.016	1.004	.995	.988	.980	.972	.966	.959	.952	.946	.940	.934
74.00	74.49	----------	1.057	1.044	1.032	1.020	1.008	1.000	.992	.984	.977	.970	.963	.956	.950	.944	.938
74.50	74.99	----------	1.062	1.049	1.036	1.024	1.012	1.004	.996	.988	.981	.974	.967	.960	.954	.948	.942
75.00	75.49	----------	----------	1.054	1.041	1.028	1.016	1.008	1.000	.992	.985	.978	.971	.964	.958	.952	.946
75.50	75.99	----------	----------	1.059	1.046	1.033	1.020	1.011	1.004	.996	.988	.981	.974	.967	.961	.955	.949
76.00	76.49	----------	----------	----------	1.051	1.038	1.025	1.015	1.008	1.000	.992	.985	.978	.971	.965	.959	.953
76.50	76.99	----------	----------	----------	1.054	1.041	1.028	1.019	1.011	1.004	.996	.989	.981	.975	.969	.963	.957
77.00	77.49	----------	----------	----------	----------	1.045	1.032	1.023	1.015	1.008	1.000	.993	.985	.979	.973	.967	.961
77.50	77.99	----------	----------	----------	----------	1.049	1.035	1.027	1.019	1.011	1.003	.996	.989	.982	.976	.970	.964
78.00	78.49	----------	----------	----------	----------	----------	1.039	1.031	1.023	1.015	1.007	1.000	.993	.986	.980	.974	.968
78.50	78.99	----------	----------	----------	----------	----------	1.042	1.035	1.026	1.018	1.010	1.003	.996	.989	.983	.977	.971
79.00	79.49	----------	----------	----------	----------	----------	----------	1.039	1.030	1.022	1.014	1.007	1.000	.993	.987	.981	.975
79.50	79.99	----------	----------	----------	----------	----------	----------	1.043	1.033	1.025	1.017	1.010	1.003	.996	.990	.984	.978
80.00	80.49	----------	----------	----------	----------	----------	----------	----------	1.037	1.029	1.021	1.014	1.007	1.000	.994	.988	.982
80.50	80.99	----------	----------	----------	----------	----------	----------	----------	1.040	1.032	1.024	1.017	1.010	1.003	.997	.991	.985
81.00	81.49	----------	----------	----------	----------	----------	----------	----------	----------	1.036	1.028	1.021	1.014	1.006	1.000	.994	.988
81.50	81.99	----------	----------	----------	----------	----------	----------	----------	----------	1.039	1.032	1.024	1.017	1.009	1.003	.997	.991
82.00	82.49	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.035	1.027	1.020	1.013	1.007	1.000	.995
82.50	82.99	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.038	1.030	1.023	1.016	1.010	1.004	.998
83.00	83.49	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.033	1.027	1.019	1.013	1.007	1.000
83.50	83.99	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.036	1.030	1.022	1.016	1.010	1.004
84.00	84.49	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.033	1.025	1.019	1.013	1.007
84.50	84.99	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	1.028	1.022	1.016	1.010

[1] Factors applicable to higher or lower sucrose and purity of normal juice than shown in this table shall be determined by the same method of calculation used to compute the factors specified and shall be furnished by the State Office upon request

§ 874.25 Payment for frozen sugarcane.

(a) The payment for sugarcane determined pursuant to § 874.24 may be reduced upon certification by the State office that sugarcane has been damaged by freeze and that the processing of such sugarcane has adversely affected boiling house operations. Deductions from the payment for such frozen sugarcane shall be at rates not in excess of 1.5 percent of the payment for each 0.1 cc. of acidity above 2.50 cc. of N/10 alkali per 10 cc. of juice but not in excess of 4.75 cc. (intervening fractions are to be computed to the nearest multiple of 0.05 cc.). No payment is required for the amount of sugar recoverable from sugarcane testing in excess of 4.75 cc. of acidity.

(b) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose and purity tests of sugarcane, payment for such sugarcane may be made as mutually agreed upon between the producer and the processor subject to written approval by the State office: *Provided,* That the payment for each ton of net sugarcane shall be not less than an amount equal to the total returns from raw sugar and molasses actually recovered from such sugarcane, determined on the basis of the season's average prices of raw sugar and blackstrap molasses less an amount not to exceed $3 per gross ton of sugarcane for processing and less the actual costs of hoisting, weighing, and transporting of such sugarcane.

§ 874.26 Molasses payment.

The processor shall pay an amount equal to the product of 7 gallons times one-half of the average price per gallon of blackstrap molasses in excess of 6 cents for each ton of net sugarcane processed except for (a) salvage sugarcane where settlement is based on the so-called "Java Formula;" (b) frozen sugarcane testing in excess of 4.75 cc. of acidity; and (c) sugarcane damaged by a general freeze which is tolled by the processor and settlement is based on the net proceeds from sugar and molasses recovered from such cane. The average price of blackstrap molasses shall be the weekly average price or the season's average price as elected by the processor in writing to the State office not later than October 4, 1968, and the pricing basis elected shall be used in making molasses payments for 1968-crop sugarcane.

§ 874.27 Hoisting, weighing, and transportation.

The price for sugarcane established by this part shall be applicable to sugarcane delivered by the producer (a) to a hoist for loading into the conveyance for transportation to the mill, or (b) from the farm directly to the mill. With respect to sugarcane delivered to a hoist, the costs of hoisting, weighing, and transporting sugarcane from the hoist to the mill shall be borne by the processor. If the producer performs such services the processor shall make allowance to the producer, based on net sugarcane, at per ton rates not less than those made with respect to sugarcane of the 1967 crop: *Provided,* That the processor shall not be required to make hauling allowances to producers in excess of the rates charged by a contract or commercial carrier or the rates which such carrier would have changed for performing such service. With respect to sugarcane delivered directly from the farm to the mill the processor shall bear the cost of transportation. If the producer performs such services the processor shall make allowance to the producer, based on net sugarcane, at per ton rates not less than those made with respect to the 1967 crop. The processor shall not be required to make an allowance to the producer for hauling sugarcane directly from the farm to the mill at rates in excess of 30 cents per ton for distances of 1 mile or less, 40 cents per ton for distances of 1.1 to 2 miles, plus 5 cents per ton for each mile or fraction thereof in excess of 2 miles. Nothing in this section shall be construed as prohibiting negotiations between the processor and the producer, any change to be approved in writing by the State office upon a determination by the State committee that the change results in allowances which are fair and reasonable.

§ 874.28 Mutual plan for improving harvesting and delivery.

If a processor and the producers delivering sugarcane to such processor mutually agree upon a plan for improv-

ing harvesting and delivery operations, the processor may deduct from the price per ton of sugarcane an amount equal to one-half of the per ton cost of such plan. Such deduction may not be made until the plan has the written approval of the State office and it has been determined by the State committee that the plan is fair and reasonable.

§ 874.29 Toll agreements.

The rate for processing sugarcane produced by a processor and processed under a toll agreement by another processor shall be the rate they agree upon.

§ 874.30 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in § 821.1 of this chapter); and to sugarcane purchased by a cooperative processor from non-members. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 874.31 Subterfuge.

The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 874.32 Processor mill procedures and checking compliance.

The procedures to be followed by processors in determining net sugarcane, trash, average percent sucrose in normal juice, average percent crusher juice sucrose, factory normal juice sucrose, factory crusher juice sucrose, percent purity of normal juice; and other related mill procedures and required reports are set forth in ASCS Handbook 8–SU entitled "Sampling, Testing, and Reporting for Louisiana Sugar Processors", copies of which have been furnished each processor. The procedures to be followed by the ASCS State office in checking compliance with the requirements of this section are set forth under the heading "Fair Price Compliance" in Handbook 4–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbooks 8–SU and 4–SU may be inspected at county ASCS offices and copies may be obtained from the Louisiana ASCS State Office, 3737 Government Street, Alexandria, La. 71303.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1968 crop grown by other producers.

Requirements of the act. Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also, directly or indirectly, a processor of sugarcane, as may be determined by the Secretary, shall have paid or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

1968-crop price determination. This determination continues the provisions of the 1967 crop determination, except that the period for determining the season's average prices of raw sugar and blackstrap molasses is from October 4, 1968, through April 24, 1969; the periods for determining the delivered average price of raw sugar are from October 4, 1968, through December 31, 1968, for 1968-crop sugar, raw value, marketed under the 1968 quota, and from January 1, 1969, through February 27, 1969, for 1968-crop sugar, raw value, not marketed under the 1968 quota; and the molasses payment to producers is to be based on 7 gallons of blackstrap molasses per ton of sugarcane, instead of 7.1 gallons, reflecting the most recent 5-year average recovery.

A public hearing was held in Houma, La., on June 24, 1968, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for 1968-crop Louisiana sugarcane. A representative of the Grower-Processor Committee recommended that the same three bases of settlement for sugarcane provided in the prior determination, i.e., weekly average prices, season's average prices and delivered average prices, be continued for the 1968 crop; that the period for determining the season's average prices of raw sugar and blackstrap molasses extend from October 4, 1968, through April 24, 1969; and that the periods for determining the delivered average price of raw sugar extend from October 4, 1968, through December 31, 1968, for 1968-crop sugar, raw value, marketed under the processors' 1968 marketing allotment, and from January 1, 1969, through February 27, 1969, for 1968-crop sugar, raw value, not marketed in 1968 under the processors' 1968 marketing allotment. The witness stated that the refiners' practice of purchasing raw sugar from processors at 10 cents below Louisiana Sugar Exchange quoted prices remains completely objectionable; and that the present provision in the determination in regard to hoisting is sufficient.

The representative of the Louisiana Farm Bureau Federation recommended the same periods for determining the season's average price of raw sugar and blackstrap molasses, and the delivered average price of raw sugar as recommended by the Grower-Processor Committee. The witness submitted a study made during October–December 1967 on hoisting costs and allowances which had been initiated by the Farm Bureau Sugar Advisory Committee. He recommended the establishment of minimum hoisting allowances based on the cost of performing the service. He further recommended that the hoisting provision be clarified by stating that "processors shall make allowances to producers for hoisting cane (at specified minimum rates) based on the cost of hoisting, provided that the allowances paid to producers applicable to the 1968 crop be no less than what was paid the previous year." The witness stated that there is little relationship at present between allowances paid and the costs of hoisting, and that he was opposed to the use of standard hoisting allowances for all producers.

A sugarcane processor, representing the Western Louisiana Sugar Producers Association, recommended that no change be made in the present hoisting provision of the determination. He testified that a standard hoisting allowance would severely restrict the flexibility producers now have in selecting an outlet for their sugarcane.

Consideration has been given to the testimony presented at the public hearing and to other pertinent information. The comparative returns, costs, and profits of producing and processing sugarcane in Louisiana, obtained through field survey, have been recast in terms of prospective price and production conditions for the 1968 crop. Analysis of these data indicates that the provisions of this determination will provide an equitable sharing of total returns between producers and processors based on their sharing of total costs. Although there have been some variations in the costs-returns relationship between producers and processors in recent years, such variations have been nominal, and the past 5-year average relationship indicates relative stability.

The periods specified for determining the season's average price of raw sugar and blackstrap molasses, and the delivered average price of raw sugar are those recommended by the Grower-Processor Committee and the Louisiana Farm Bureau Federation. It is believed that the alternative pricing bases for sugarcane settlements with producers are equitable and will enable processors to relate such settlements to their marketing opportunities.

The recommendation of the Farm Bureau that minimum hoisting allowances be established based on actual costs of performing such service has not been adopted. The delivery point for sugarcane is either at a field hoist—ready for loading into conveyance for transportation to the mill—or loaded on the conveyance in the field for direct transportation to the mill. From that point on, the processor is responsible for the costs of hoisting, weighing, and transporting. If the producer performs these services for the processor, the allowance for such services is a matter of negotiation between the two parties. Prior determinations have not attempted to establish a basis for determining hoisting allowances, but have provided only that allowances be made to producers who perform such services with the proviso that the rates therefor shall be not less than those paid the previous year.

Processors are required to inform the State office in writing not later than October 14, 1968, the pricing basis elected,

i.e., weekly, season, or delivered average price for raw sugar, and the weekly or season's average price for molasses. Processors are also required to use the periods elected for the entire crop.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER and is applicable to the 1968 crop of Louisiana sugarcane.

Signed at Washington, D.C., on September 30, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-12055; Filed, Oct. 3, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Confirmation of Effective Date of Order Listing Synthesized Tetrahydrocannabinols as Drugs Subject to Control

In the matter of listing of synthesized tetrahydrocannabinols as depressant or stimulant drugs within the meaning of section 201(v) of the Federal Food, Drug, and Cosmetic Act because of their hallucinogenic effect:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371), and under the authority vested in the Attorney General by Reorganization Plan No. 1 of 1968 (33 F.R. 5611) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs (28 CFR 0.200) (33 F.R. 5580), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of August 21, 1968 (33 F.R. 11814). Accordingly, the amendments promulgated by that order became effective September 21, 1968.

Dated: September 24, 1968.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[F.R. Doc. 68-11907; Filed, Oct. 3, 1968; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart B—Contract Rights and Obligations

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments have been made to this chapter:

Section 221.532 is amended to read as follows:

§ 221.532 Supervision applicable to limited distribution mortgagors.

(a) The provisions of § 221.531(b) (rate of return) shall apply to limited distribution mortgagors, except that the amount of any allowable distribution or disbursement from surplus cash shall not exceed in any one fiscal year more than 6 percent of the mortgagor's initial equity investment as determined by the Commissioner.

(b) The right of any allowable distribution or disbursement from surplus cash shall be cumulative.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715*l*)

Section 1000.253 is amended to read as follows:

§ 1000.253 Mortgage insurance premium.

Mortgage insurance premiums shall be payable in advance by the mortgagee to the Commissioner in accordance with the following provisions:

(a) In all cases except where the mortgage cover a water and/or sewer system, the mortgage insurance premium shall be paid as follows:

(1) Upon initial endorsement of the mortgage for insurance, there shall be paid an amount equal to 2 percent of the face amount of the mortgage. Such payment shall cover the first 3 years of the mortgage insurance or the entire term of the mortgage insurance when such term does not exceed 3 years.

(2) If the mortgage term exceeds 3 years there shall be paid on the third anniversary of the initial endorsement of the mortgage for insurance, and on each succeeding anniversary date of such endorsement, an amount equal to 1 percent of the outstanding principal balance of the mortgage at the end of the previous mortgage insurance year, which shall be adjusted to give effect to reductions in the principal balance of the mortgage resulting from sale of portions of the property covered by the mortgage, but without taking into consideration delinquent payments or prepayments.

(3) If the mortgage term exceeds 3 years and contains amortization provisions, the mortgage insurance premium shall be adjusted so that subsequent mortgage insurance premiums shall be paid on the anniversary dates of the commencement of amortization rather than on the anniversary dates of the initial endorsement of the mortgage for insurance.

(b) If the mortgage covers a water and/or sewer system, the mortgage insurance premium shall be paid as follows:

(1) Upon initial endorsement of the mortgage for insurance, there shall be paid an amount equal to one-twelfth of 1 percent of the original face amount of the mortgage for each month or fraction thereof prior to the date of commencement of amortization.

(2) Upon commencement of amortization and on each anniversary date thereafter until the mortgage is paid in full (or until receipt by the Commissioner of an application for insurance benefits, or until the contract of mortgage insurance is otherwise terminated with the consent of the Commissioner), there shall be paid an amount equal to three-fourths of 1 percent of the average outstanding principal balance of the mortgage for the year following the date on which such premium becomes payable, without taking into consideration delinquent payments or prepayments.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

Issued at Washington, D.C., September 30, 1968.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 68-12074; Filed, Oct. 3, 1968; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4524]

[Oregon 2018; 017527 (Wash.)]

WASHINGTON

Withdrawal for John Day Wildlife Management Area; Partial Revocation of Public Land Order No. 4210

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described tract of public land which is under the jurisdiction of the Secretary of the Interior, is hereby with-

drawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the John Day Wildlife Management Area of the John Day Lock and Dam Project:

WILLAMETTE MERIDIAN

T. 5 N., R. 26 E.,
Sec. 12, NW¼NW¼.

The area described contains 40 acres in Benton County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Corps of Engineers, Department of the Army, finds that the proposed use of the land will not interfere with the proper operation of its facilities on the land.

3. Public Land Order No. 4210, dated April 24, 1967, so far as it withdrew the following described public lands for the John Day Wildlife Management Area of the John Day Lock and Dam Project, is hereby revoked:

WILLAMETTE MERIDIAN

T. 5 N., R. 24 E.,
Sec. 34, N½S½S½SW¼, and N½S½SW¼.

The areas described aggregate 60 acres in Benton County.

The lands are located on the south edge of Canoe Ridge near the north shore of the Columbia River.

4. At 10 a.m. on November 5, 1968, the lands described in paragraph 3, shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 5, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1968.

[F.R. Doc. 68–12061; Filed, Oct. 3, 1968; 8:46 a.m.]

[Public Land Order 4525]
[Arizona 1948]

ARIZONA

Withdrawal for Administrative Site; Partial Revocation of Reclamation Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, and reserved as an administrative site for the maintenance of a Department of the Treasury Customs facility:

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 25 W.,
Sec. 12, the west 660 feet of lot 3.

The area described contains 6.86 acres in Yuma County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the Department of the Treasury finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

3. The departmental orders of January 31, 1903, and April 9, 1904, withdrawing lands for reclamation purposes, are hereby revoked so far as they affect the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1968.

[F.R. Doc. 68–12062; Filed, Oct. 3, 1968; 8:46 a.m.]

[Public Land Order 4526]
[Oregon 3551]

OREGON

Partial Revocation of National Forest Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental order of November 23, 1933, and Public Land Order No. 3634 of April 15, 1965, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

MT. HOOD NATIONAL FOREST

Bedford Point Administrative Site

T. 4 S., R. 5 E.,
Sec. 15, SE¼NE¼NE¼SW¼, NE¼SE¼NE¼SW¼, SW¼NW¼NW¼SE¼, and NW¼SW¼NW¼SE¼.

Squaw Mountain Administrative Site

T. 4 S., R. 6 E.,
Sec. 11, S½SE¼ lot 13;
Sec. 14, N½NE¼ lot 4.

The areas described aggregate approximately 23.81 acres in Clackamas County.

2. At 10 a.m. on November 5, 1968, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1968.

[F.R. Doc. 68–12063; Filed, Oct. 3, 1968; 8:46 a.m.]

[Public Land Order 4527]
[Nevada 051781]

NEVADA

Partial Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The departmental order of May 4, 1945, withdrawing lands as Air Navigation Site Withdrawal No. 225, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 14 S., R. 67 E.,
Sec. 29, S½NW¼SE¼.

The area described contains approximately 20 acres in Clark County.

The land is located east of Moapa, Nev. Topography is rough and mountainous.

2. At 10 a.m. on November 5, 1968, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 5, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location under the U.S. mining laws at 10 a.m. on November 5, 1968. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1968.

[F.R. Doc. 68–12064; Filed, Oct. 3, 1968; 8:46 a.m.]

[Public Land Order 4528]
[Nevada 047401, 047413, 047441, 047443]

NEVADA

Revocation of Stock Driveways, Wholly or in Part

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental orders of June 24, 1918, and December 13, 1919, creating Stock Driveway Withdrawals Nos. 24 and

121, respectively, and the departmental orders of February 14, 1919, and December 19, 1919, creating Stock Driveway Withdrawals Nos. 67 and 119, respectively, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

STOCK DRIVEWAY NO. 24

T. 28 N., R. 64 E.,
Secs. 7 to 12, incl., 16, 17, 18, and 20;
Sec. 21, W½E½, W½;
Sec. 28, W½E½, W½;
Sec. 29;
Sec. 32, E½E½;
Sec. 33, N½, SW¼, W½SE¼.
T. 28 N., R. 65 E.,
Secs. 1, 2, 3;
Sec. 4, S½;
Sec 5, S½;
Sec. 6, S½;
Sec. 7;
Sec. 8, N½;
Sec. 9, N½;
Sec. 10, N½;
Sec. 11, NW¼.
T. 28 N., R. 66 E.,
Secs. 1, 2, 3, 4, 5, 6.
T. 28 N., R. 67 E.,
Sec. 2, S½;
Secs. 3, 4, 5, 6, 10, 11;
Sec. 13, SW¼;
Sec. 14;
Sec. 15, N½, SE¼;
Secs. 23, 24.
T. 27 N., R. 68 E.,
Sec. 1, W½;
Secs. 2, 3, 4, 11, 12;
Sec. 13, N½.
T. 28 N., R. 68 E.,
Secs. 19, 20;
Sec. 28, NW¼, S½;
Sec. 29;
Sec. 30, NE¼;
Sec. 32, NE¼;
Sec. 33.
T. 26 N., R. 69 E.,
Sec. 1, S½;
Secs. 2, 3;
Sec. 10, E½;
Secs. 11, 12.
T. 27 N., R. 69 E.,
Sec. 7;
Sec. 16, SW¼;
Secs. 17, 18;
Sec. 19, N½;
Secs. 20, 21, 22, 27, 28, 34.
T. 26 N., R. 70 E.,
Sec. 5, SW¼;
Sec. 6, S½;
Secs. 7, 8, 9;
Sec. 10, NW¼, S½;
Secs. 15, 16;
Sec. 17, N½, SE¼;
Sec. 18, NE¼.

STOCK DRIVEWAY NO. 121

T. 29 N., R. 67 E.,
Secs. 3, 10, 15, 22, 27, 34.
T. 30 N., R. 67 E.,
Secs. 1, 2, 3, 10, 15, 22, 27, 34.
T. 31 N., R. 67 E.,
Secs. 1, 12, 13, 24, 25, 36.
T. 32 N., R. 67 E.,
Secs. 1, 12;
Sec. 13, E½, E½W½;
Secs. 24, 25, 36.
T. 32 N., R. 68 E.,
Secs. 1, 2, 3, 4, 5, 6.
T. 32 N., R. 69 E.,
Secs. 2, 3, 4, 5, 6.
T. 33 N., R. 69 E.,
Secs. 2, 11, 14, 23, 26, 35.
T. 34 N., R. 69 E.,
Secs. 2, 11, 14, 23, 26, 35.
T. 35 N., R. 69 E.,
Secs. 2, 14, 26, 35.
T. 36 N., R. 69 E.,
Sec. 2, NW¼;
Secs. 10, 22, 34.
T. 37 N., R. 69 E.,
Sec. 2;
Sec. 10, E½;
Sec. 14, W½;
Secs. 22, 26;
Sec. 34, S½SE¼.
T. 38 N., R. 69 E.,
Secs. 2, 12, 24, 36.
T. 39 N., R. 69 E.,
Sec. 20, N½NE¼, NE¼NW¼, S½N½, S½;
Secs. 28, 34.

STOCK DRIVEWAY NO. 67

T. 30 N., R. 63 E.,
Sec. 6, S½;
Sec. 7, N½.

STOCK DRIVEWAY NO. 119

T. 28 N., R. 63 E.,
Sec. 1, NW¼, S½;
Sec. 2, N½, SE¼;
Sec. 12;
Sec. 13, NE¼.
T. 29 N., R. 63 E.,
Sec. 2, S½NW¼, SW¼, S½SE¼;
Sec. 3, N½, N¼S½, S½SE¼;
Sec. 10, N½NE¼;
Sec. 11, N½, SE¼;
Sec. 12, S½, NE¼;
Secs. 13, 24, 25, 26;
Sec. 35, W½NE¼, NW¼, S½.
T. 30 N., R. 63 E.,
Sec. 4, S½SW¼;
Sec. 5;
Sec. 8, N½, SE¼;
Sec. 9, S½, NW¼;
Sec. 15, W½;
Sec. 16, E½, NW¼;
Sec. 21, E½;
Sec. 22, W½;
Sec. 27;
Sec. 28, NE¼;
Sec. 34.
T. 31 N., R. 63 E.,
Secs. 5, 8, 17, 20, 29;
Sec. 30, E½SE¼;
Sec. 31, E½E½;
Sec. 32, W½E½, W½.
T. 32 N., R. 63 E.,
Secs. 5, 6, 8, 17, 20, 29, 32.
T. 33 N., R. 63 E.,
Secs. 4, 5, 8, 17, 20, 29, 32.

The areas described aggregate 113,331.36 acres in Elko County. These lands lie east and southeast of Elko, Nev. Topography is flat to rolling. The vegetative cover consists of native sagebrush and desert salt shrub.

2. At 10 a.m. on November 5, 1968, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on November 5, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev. 89502.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1968.

[F.R. Doc. 68-12065; Filed, Oct. 3, 1968; 8:46 a.m.]

[Public Land Order 4529]

[New Mexico 6454 and 6980]

NEW MEXICO

Partial Revocation of Public Water Reserves Nos. 107 and 70

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, and the Executive order of March 8, 1920, creating Public Water Reserve No. 70, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 S., R. 4 W.,
Sec. 15, lot 4.
T. 12 S., R. 5 W.,
Sec. 15, SW¼SE¼.
T. 13 S., R. 5 W.,
Sec. 3, lot 13;
Sec. 6, NE¼SE¼;
Sec. 28, SE¼NW¼.
T. 18 S., R. 5 W.,
Sec. 7, NE¼NE¼.
T. 19 S., R. 5 W.,
Sec. 5, SW¼NE¼.
T. 12 S., R. 6 W.,
Sec. 9, NE¼NW¼;
Sec. 14, SW¼NE¼;
Sec. 27, SE¼SE¼;
Sec. 29, SW¼NW¼.
T. 18 S., R. 6 W.,
Sec. 3, NE¼SE¼;
Sec. 31, NE¼NE¼.
T. 19 S., R. 6 W.,
Sec. 11, SE¼SW¼.
T. 11 S., R. 7 W.,
Sec. 1, lot 11;
Sec. 22, SW¼SE¼.
T. 12 S., R. 7 W.,
Sec. 3, lot 6.
T. 11 S., R. 8 W.,
Sec. 20, SE¼NW¼.
T. 14 S., R. 8 W.,
Sec. 7, lots 6, 7, 8, and 9;
Sec. 8, lot 1;
Sec. 17, lot 1;
Sec. 18, lot 5.
T. 19 S., R. 8 W.,
Sec. 8, W½NE¼, SE¼NE¼, and NW¼SE¼.
T. 22 S., R. 33 E.,
Sec. 20, SE¼SE¼.

The areas described contain 1,191.69 acres in Sierra and Lea Counties.

The lands lie in the southern part of the State of New Mexico. The topography ranges from relatively level to rough and mountainous. Soils are generally light red colored coarse grained sandy loams to gravelly and rocky. Vegetative cover consists primarily of native grasses, grama, three-awn and burro grass, with mesquite, creosote, shinnery oak and scrub pinon juniper.

2. At 10 a.m. on November 5, 1968, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 5, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral

leasing laws, and to location under the U.S. mining laws for metalliferous minerals. They will be open to location for nonmetalliferous minerals at 10 a.m. on November 5, 1968.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1968.

[F.R. Doc. 68–12066; Filed, Oct. 3, 1968; 8:47 a.m.]

[Public Land Order 4530]

[Oregon 2711 (Wash.)]

WASHINGTON

Withdrawal for Wynoochee Reservoir Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described national forest lands in the Olympic National Forest are hereby withdrawn from appropriation under the U.S. mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, for the protection of facilities of the Wynoochee Reservoir Project:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Wynoochee Reservoir Project

T. 22 N., R. 7 W.,
Sec. 3, W½NW¼, NW¼SW¼ and that portion of E½SW¼, E½NW¼, and SW¼SW¼ lying westerly of a line 50 feet easterly of the centerline of the relocated Forest Service Development Road No. 2312;
Sec. 4, E½, NE¼SW¼, and S½SW¼;
Sec. 9, N½NE¼, SW¼NE¼, W½ and that portion of SE¼NE¼, NE¼SE¼, and W½SE¼ lying westerly of a line 50 feet easterly of the centerline of the relocated Forest Service Development Road No. 2312;
Sec. 10, that portion of W½NW¼ lying westerly of a line 50 feet easterly of the centerline of the relocated Forest Service Development Road No. 2312;
Sec. 16, N½NW¼, SW¼NW¼, NW¼SW¼, and that portion of W½NE¼, SE¼NW¼, NE¼SW¼, SW¼SW¼, and SE¼SW¼ lying westerly of a line 50 feet easterly of the centerline of the relocated Forest Service Development Road No. 2312;
Sec. 17, E½NE¼, SW¼, NE¼SE¼, and S½SE¼;
Sec. 20, NE¼, SE¼NW¼, and N½SW¼;
Sec. 21, that portion of W½NW¼ lying westerly of a line 50 feet easterly of the centerline of the relocated Forest Service Development Road No. 2312.
T. 23 N., R. 7 W.,
Sec. 33, SE¼;
Sec. 34, W½SW¼, and that portion of NW¼SE¼, and E½SW¼ lying westerly of a line 50 feet easterly of the centerline, including the elongation of said centerline a distance of 135.00+ feet in the NW¼SE¼, of the relocated Forest Service Development Road No. 2312.

The areas described aggregate approximately 2,464 acres in Grays Harbor County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws, nor does it alter the jurisdiction of the Secretary of Agriculture over the lands for purposes other than construction of the Wynoochee Reservoir Project. The terms and conditions for utilization of the national forest lands for the construction and maintenance of the project facilities by the Corps of Engineers will be governed by the memorandum of agreement entered into between the Department of Agriculture and the Department of the Army, dated August 13, 1964, as may be amended and supplemented.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1968.

[F.R. Doc. 68–12067; Filed, Oct. 3, 1968; 8:47 a.m.]

[Public Land Order 4531]

[New Mexico 6810]

NEW MEXICO

Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Lincoln National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 11 E.,
Sec. 14, S½NE¼ and SE¼;
Sec. 16;
Sec. 23, E½;
Sec. 25;
Sec. 26, E½NE¼ and NE¼SE¼.
T. 19 S., R 11 E.,
Sec. 4, lots 3, 4, S½NW¼ and SW¼;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1, 2 and S½NE¼.

The areas described aggregate 3,084.46 acres in Otero County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1968.

[F.R. Doc. 68–12068; Filed, Oct. 3, 1968; 8:47 a.m.]

[Public Land Order 4532]

[New Mexico 3756]

NEW MEXICO

Addition to National Forest

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Cibola National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 4 N., R. 5 E.,
Sec. 10, SE¼NE¼ and NE¼SE¼;
Sec. 11, E½W½;
Sec. 12, SW¼NE¼, S½NW¼, SW¼, NW¼NE¼SE¼, N½SW¼NE¼SE¼, and W½SE¼;
Sec. 13, NE¼NE¼, N½NE¼, S½N½, N½SW¼, NW¼SE¼, and E½SE¼;
Sec. 14, E½NE¼.
T. 11 N., R. 15 W.,
Sec. 6, lots 1 to 7, inclusive, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, NE¼ and E½NW¼;
Sec. 8, N½ and E½SE¼.
T. 11 N., R. 16 W.,
Sec. 1, lots 1, 2, 3, NW¼NE¼, S½N½, and SE¼;
Sec. 2, lots 1 and 2;
Sec. 3, lot 4, SW¼NW¼ and SW¼;
Sec. 9;
Sec. 14, W½NW¼, W½SE¼NW¼, SW¼, and SW¼SE¼;
Secs. 15, 21, 23, and 27.

The areas described aggregate 6715.46 acres in Torrance and Valencia Counties.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1968.

[F.R. Doc. 68–12069; Filed, Oct. 3, 1968; 8:47 a.m.]

[Public Land Order 4533]

[LA–0158928]

CALIFORNIA

Addition of Lands to Havasu Lake National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The following described acquired lands are hereby withdrawn from sale or other disposal, and added to and made a part of the Havasu Lake National Wildlife Refuge:

SAN BERNARDINO MERIDIAN

T. 7 N., R. 24 E.,
In section 9, that part of lot 2 lying south of the present Havasu Lake National Wildlife Refuge boundary and north of a line 660 feet north and parallel to the south boundary of said lot, and that part of lot 4 lying west of the present Havasu refuge boundary and east of a line 660 feet east and parallel to the east line of said lot 4.

The areas described aggregate 38.22 acres in San Bernardino County.

2. The administration of the lands for wildlife purpose shall be subordinate to their administration for reclamation purposes.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 30, 1968.

[F.R. Doc. 68–12070; Filed, Oct. 3, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1104]

[Docket No. AO–298–A14]

MILK IN RED RIVER VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Wichita Falls, Tex., on August 15, 1968, pursuant to notice thereof issued on August 2, 1968 (33 F.R. 11299).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on September 13, 1968 (33 F.R. 14117; F.R. Doc. 68–11328) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of the recommended decision (33 F.R. 14117; F.R. Doc. 68–11328) are hereby approved, adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Cooperative associations as handlers for milk delivered from farms to pool plants in bulk tanks;
2. The definition of "route";
3. Interest on unpaid obligations; and
4. Deletion of the base-excess plan of payment to producers.

This decision is concerned only with Issue No. 4 with respect to deletion of the base-excess plan of payment. Decision on other issues is deferred for later decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

4. The base-excess plan of payment to producers should be deleted from the order.

The Red River Valley order presently provides for payments to producers on a base-excess plan for their deliveries of milk in each of the months of March through June. The producer bases used for this purpose are the average daily deliveries of milk by each producer during the preceding months of September through December.

Milk Producers, Inc., a cooperative association representing a majority of the producers supplying the Red River Valley market, proposed that this plan be deleted from the order. The effect of such deletion would be that in all months of the year producers would have their payments computed at a uniform or blend price for all milk delivered. This is the present basis of payment for months other than March through June.

The proponent cooperative association based its proposal for deletion of the plan upon its belief that the plan encouraged production of milk in excess of the market's needs, and its conflict with a privately operated Class I base plan to be used in distributing proceeds of the sales of cooperative association milk among its members.

The numbers of producers supplying the Red River Valley market have declined in recent years, from an average of 523 in 1964 to an average of 450 in 1967, or about 14 percent. In the same period, average daily production for the market has increased about 25 percent, as a result of an increase of about 40 percent in production per producer.

Class I sales have not increased in proportion to the increase in producer supplies. While 1966 sales were about 12 percent greater than those of 1964, 1967 sales were less, not quite 6 percent greater than those of 1964. As a consequence of the more rapid increase in production than in sales, producer milk in Class I decreased from 76.3 percent in 1964 to 64.7 percent in 1967.

The cooperative association has instituted a plan under which its members will receive base and excess prices determined upon the relationship of each producer's history of production in 1966 and 1967 to the volume of Class I sales in the market during the year 1966. These bases will, of course, vary from those that would be established under the order on the basis of average deliveries in the months of September through December 1968. This difference will militate against the effectiveness of the cooperative association plan. Moreover with the institution of the association plan, the base-excess plan of the order is no longer necessary as the means for modifying the seasonal pattern of deliveries.

Deletion of the base-excess plan will not disadvantage producers who are not members of the cooperative association. Each such producer will receive payment at the uniform price computed in the same manner as now provided for 8 months of each year. This provides less limitation upon producers who may wish to change their pattern of production than does the present base-excess system.

For these reasons, it is concluded that the base-excess plan of the Red River Valley order should be deleted. No testimony was offered at the hearing in opposition to its deletion. There were, however, certain questions concerning the desirability of deferring deletion until July 1969 so that producers would have greater advance notice of the change in the order. A brief filed by a producer presented this view.

The base-excess plan would not affect payments to producers until March 1969. A decision issued at this time will provide ample notice to producers concerning the conditions under which their milk will be marketed in the future. Under the uniform price provisions no payments to individual producers will be affected by their deliveries in prior periods. Hence, the period of notice is not so significant in deleting a base-excess plan as when incorporating it in an order.

The proponent requested omission of the recommended decision in order that amendatory action could be completed by September 1, or, in the alternative, suspension of the base-excess plan for the month of September. Since no September order provisions are affected by the plan, such action is not required. As stated above, this decision should provide adequate notice to producers of the conditions under which their milk will be marketed in the spring months of 1969.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein:

(a) The tentive marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, in-

sure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. Exceptions received were in support of the proposed findings, conclusions, and amendments.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Red River Valley Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Red River Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of July 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Red River Valley marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on September 30, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Red River Valley Marketing Area

§ 1104.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Red River Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Red River Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on September 13, 1968, and published in the FEDERAL REGISTER on September 18, 1968 (33 F.R. 14117; F.R. Doc. 68-11328), shall be and are the terms and provisions of this order, and are set forth in full herein:

§§ 1104.17, 1104.18, 1104.65–1104.67, 1104.72 [Revoked]

1. Sections 1104.17, 1104.18, the centerheading "Determination of Base" preceding 1104.65, 1104.65, 1104.66, 1104.67, and 1104.72 are revoked.

2. In § 1104.27(k) subparagraph (3) is revised to read as follows:

§ 1104.27 Duties.

* * * * *

(k) * * *

(3) On or before the 12th day of each month, the uniform price computed pursuant to § 1104.71, and the butterfat differential computed pursuant to § 1104.73, both for the preceding month.

* * * * *

3. In § 1104.30, paragraph (a) is revised to read as follows:

§ 1104.30 Reports of receipts and utilization.

* * * * *

(a) The quantities of skim milk and butterfat contained in milk received from producers;

* * * * *

4. In § 1104.31, paragraph (a) is revised to read as follows:

§ 1104.31 Reports of payments to producers.

* * * * *

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days' production represented by the milk received from such producer(s);

* * * * *

5. Section 1104.60 is revised to read as follows:

§ 1104.60 Producer-handlers.

Sections 1104.40 to 1104.46, 1104.50 to 1104.54, 1104.70 to 1104.74, and 1104.80 to 1104.86, shall not apply to a producer-handler.

6. In § 1104.71, paragraph (f) is revised to read as follows:

§ 1104.71 Computation of uniform prices.

* * * * *

(f) Subtract not less than four cents nor more than five cents per hundredweight. The results shall be the "uniform price" or "weighted average price" for milk received from producers.

7. Section 1104.74 is revised to read as follows:

§ 1104.74 Location differentials to producers and on nonpool milk.

In making payments to producers pursuant to § 1104.80 for milk received at a pool plant located outside the State of Texas and more than 40 miles from Wichita Falls, Tex., each handler may deduct for each hundredweight of milk received during the month an amount for plant location as set forth in § 1104.52(a). For the purpose of computations pursuant to §§ 1104.82 and 1104.83, the weighted average price shall be adjusted at the rate set forth in § 1104.52(a) which is applicable at the location of the nonpool plant from which the milk was received.

8. In § 1104.80(a), subparagraph (2) is revised to read as follows:

§ 1104.80 Time and method of payment for producer milk.

(a) * * *

(2) On or before the 15th day of the following month, an amount equal to not less than the applicable uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1104.85, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment pursuant to § 1104.83, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

* * * * *

9. In § 1104.80(b)(1), subdivision (ii) is revised to read as follows:

§ 1104.80 Time and method of payment for producer milk.

* * * * *

(b) * * *

(1) * * *

(ii) Submit to the cooperative association on or before the 10th day of each month written information which shows for each member-producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (c) the number of days of production included in such receipts, and (*d*) the amounts withheld by the handler in payment for supplies sold; and

* * * * *

10. In § 1104.82(b) subparagraph (1) is revised to read as follows:

§ 1104.82 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(1) The value of such handler's producer milk at the applicable uniform price specified in § 1104.80; and

* * * * *

[F.R. Doc. 68–12058; Filed, Oct. 3, 1968; 8:46 a.m.]

[7 CFR Part 1108]

MILK IN CENTRAL ARKANSAS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Central Arkansas marketing area is being considered for the months of October, November, and December 1968.

The provision proposed to be suspended is in § 1108.6 and reads: "any day during the months of February through August, or on not more than 10 days during any other month," relating to diversion of producer milk.

This suspension action is requested by Milk Producers, Inc., a cooperative association of producers. The association claims that due to shortages of Grade A milk in the surrounding area, milk of producers is diverted to unregulated fluid milk plants when not needed in this market. Economical handling of the milk supply requires diversion of milk of individual farmers for more than the 10-day diversion limit. Unless the limit is suspended for the October–December 1968 period, uneconomical movements of milk would be required to maintain producer status for dairy farmers regularly serving this market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 1, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68–12057; Filed, Oct. 3, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

AIR QUALITY CONTROL REGIONS

Notice of Proposed Designation of Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware); Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) as set forth in the following new § 81.15 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Pennsylvania, New Jersey, and Delaware, and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at the Federal Building, Conference Room B, 11th Floor, 1421 Cherry Street, Philadelphia, Pa. 19102, beginning at 10 a.m., October 28, 1968.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203, of such intention by October 18, 1968.

A report prepared for the consultation, entitled "Report for Consultation on the Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware)," is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.15 is proposed to be added to read as follows:

§ 81.15 Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware).

The Metropolitan Philadelphia Interstate Air Quality Control Region (Pennsylvania-New Jersey-Delaware) consists of the territorial area encompassed by the boundaries of the following jurisdictions (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Pennsylvania: Bucks County, Chester County, Delaware County, Montgomery County, Philadelphia County.

In the State of New Jersey: Burlington County, Camden County, Gloucester County, Mercer County, Salem County.

In the State of Delaware: New Castle County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: October 1, 1968.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 68–12132; Filed, Oct. 3, 1968; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 68–SW–65]

AIRWORTHINESS DIRECTIVE

North American Rockwell (Aero Commander) Model 1121 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Aero Commander Model 1121 series airplanes. It has been found that some Model 1121 Series airplanes do not have required airplane nose-down trim capability in the approach configuration at the aft center of gravity limit. Since this condition is likely to exist on all Model 1121 Series airplanes and an unsafe condition could result, the proposed airworthiness directive would require a modification of the horizontal stabilizer trim system to correct this condition.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101.

All communications received within 30 days after date of publication of this notice will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be made a part of the official docket and will be available for examination by interested persons, both before and after the closing date for comments, at the office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

This amendment is proposed under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AERO COMMANDER DIVISION, North American Rockwell Corp.

Applies to all Aero Commander Model 1121 series airplanes, serial numbers 1 through 28, 30 through 72, 74 through 106, 108, 109, 111, 112, 115 through 124, 127, and 128.

Compliance required within the next 100 hours' time in service after effective date of this AD unless already accomplished.

To assure required trim capability at the approved aft center of gravity limit, accomplish the following:

Modify the horizontal stabilizer trim system in accordance with Part II of Aero Commander Service Bulletin No. J–4 dated September 30, 1968, or an equivalent modification approved by Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, Fort Worth, Tex.

Issued in Fort Worth, Tex., on September 18, 1968.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 68–12112; Filed, Oct. 3, 1968; 8:50 a.m.]

[14 CFR Part 39]

[Docket No. 9175]

AIRWORTHINESS DIRECTIVE

Schleicher Model AS–K13 Gliders, Serial Nos. 13000 Through 13091

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Schleicher Model AS–K13 Gliders, Serial Nos. 13000 through 13091. There has been an instance reported of the fouling of the wheel brake cable with the release lever of the CG coupling. Since this condition is likely to exist or develop in other gliders of the same design, the proposed AD would require installation of a fairlead for the wheel brake cable.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 4, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

SCHLEICHER. Applies to Schleicher Model AS–K13 gliders, Serial Nos. 13000 through 13091.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the wheel brake cable from fouling with the release lever of the CG coupling, install a fairlead for the wheel brake cable in accordance with Schleicher Modification No. 2 dated May 30, 1968, or later LBA approved issue or an FAA approved equivalent.

Issued in Washington, D.C., on September 27, 1968.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68–12051; Filed, Oct. 3, 1968; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–SO–81]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Apalachicola, Fla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 21 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangemnets for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Apalachicola transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Apalachicola Municipal Airport; within 2 miles each side of the 012°, 049°, and 322° bearings from the Apalachicola RBN, extending from the 6-mile radius area to 8 miles north, northeast, and northwest of the RBN.

The proposed transition area is required for the protection of IFR operations at Apalachicola Municipal Airport. Three prescribed instrument approach procedures to this airport, utilizing the Apalachicola RBN, are proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on September 27, 1968.

JAMES T. ROGERS,
Director, Southern Region.

[F.R. Doc. 68–12111; Filed, Oct. 3, 1968; 8:50 a.m.]

[14 CFR Part 151]

[Docket No. 9171; Notice 68–23]

SECOND RUNWAY PAVING FOR INCLUSION IN FAAP PROJECT; WIND CONDITIONS

Proposed Standards for Eligibility

The Federal Aviation Administration is considering amending § 151.79 of the

Federal Aviation Regulations to change the standards for eligibility of second runway paving at airports for inclusion in projects under the Federal-aid Airport Program by (1) eliminating paragraph (e) of that section concerning airports with limited facilities serving small aircraft only; and (2) reducing the cross-wind component to which the existing paved runway is subject, at airports serving small aircraft only, as provided in paragraphs (c) and (d) of that section.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration Office of the General Counsel; Attention: Rules Docket, GC–24; 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 4, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

As a matter of airport design criteria, § 151.79 presently divides airports into four kinds, for the purpose of applying standards for eligibility for inclusion of paving a second runway on the basis of wind conditions, in a project: (1) Those serving both large and small aircraft; (2) those serving small aircraft only, with 10,000, or more, aircraft operations each year; (3) those serving aircraft of less than 8,000 pounds only, with 5,000, or more, aircraft operations each year; and (4) those serving small aircraft only, with limited facilities, and "limited to VFR operations." Upon further consideration of the matter of airport design criteria, it has been determined that the fourth classification is no longer feasible or meaningful (for the purposes of § 151.79), particularly in the absence of any established definition of an airport limited to VFR operations. It therefore is proposed to eliminate paragraph (e) of § 151.79.

In each of the first three situations described above, the existing paved runway must be subject to a cross-wind component of more than 15 miles per hour (13 knots) more than 5 percent of the time.

Additional studies of operations of models of 35 small aircraft have revealed that their average stalling speed in their landing configuration is 57 miles per hour, or 49.5 knots. The speed of the 90° cross-wind, in which control capability was based on this stalling speed, was found to be 11.4 miles per hour or 9.9 knots. In view of the foregoing, it is considered that a cross-wind component of 15 miles per hour (13 knots) is not a realistic basis for determining the need for a second runway at airports serving small aircraft only. A cross-wind component of 12.5 miles per hour (10.5) knots) is considered to be more appropriate, and it is proposed to use this standard for those airports.

In consideration of the foregoing, it is proposed to amend §151.79 of the Federal Aviation Regulations as follows:

1. By amending paragraph (a)(1) to read as follows:

§ 151.79 Runway paving: second runway; wind conditions.

(a) *All airports.* * * *

(1) The airport meets the applicable standards of paragraph (b), (c), or (d) of this section;

* * * * *

2. By striking out the words "15 miles per hour (13 knots)" in paragraphs (c)(2) and (d)(2), and inserting the words "12.5 miles per hour (10.5 knots)" therefor in each of those subparagraphs.

3. By striking out paragraph (e).

This amendment is proposed under the authority of sections 1–15 and 17-20 of the Federal Airport Act (49 U.S.C. 1101–1114, 1116–1119).

Issued in Washington, D.C., on September 27, 1968.

CLYDE W. PACE, JR.,
Acting Director, Airports Service.

[F.R. Doc. 68–12052; Filed, Oct. 3, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 207]

[Docket 19278; EDR–147]

CHARTER TRIPS AND SPECIAL SERVICES

Liberalization of Volume Restrictions for All-Cargo Carriers; Termination of Rule Making Proceeding

SEPTEMBER 27, 1968.

On November 21, 1967, the Civil Aeronautics Board issued a notice of proposed rule making (EDR–128, 32 F.R. 16223) proposing to amend Part 207 of the Economic Regulations to liberalize the off-route charter volume limitation in § 207.6 applicable to all-cargo carriers. Specifically, the Board proposed to raise the off-route charter volume limitation from 2 percent to 20 percent of the base revenue plane miles performed by the carrier in the preceding calendar year, provided that not more than 10 percent of such base mileage was to be utilized in passenger charters.

Interested persons were invited to file written data, views or arguments pertaining to the proposed rule. In response, comments were filed by the three all-cargo carriers,[1] the National Air Carrier Association (representing its ten supplemental air carrier members),[2] four supplementals responding individually,[3] and the two U.S. transatlantic flag carriers.[4] In addition, three other combination carriers[5] filed reply comments opposing modifications to the proposed rule urged by the all-cargo carriers which would provide, inter alia, for even broader passenger charter authority. Two of the three (Flying Tiger and Airlift) supported the principle of liberalized off-route cargo and passenger charter authority, while the third (Seaboard) favored only expanded passenger charter rights. All others commenting opposed the rule, particularly the passenger charter provision.

Based on the comments filed, the Board has concluded that at this time expansion of off-route charter authority for all-cargo carriers is neither necessary nor desirable. Accordingly, we shall terminate this rule making proceeding.

In proposing expanded off-route cargo charter authority, the Board noted that all-cargo carriers have, as a class, extremely limited base revenue plane mileage and that, accordingly, the 2 percent volume limitation of Part 207 is substantially more restrictive for them than for combination carriers. The Board noted, too, that in light of the extreme seasonal fluctuations in demand for scheduled all-cargo service, the ability of all-cargo carriers to use their equipment in off-route charter operations during slack periods provided flexibility valuable in helping them meet peak demand, and that, consequently, undue restriction upon off-route charters could well detract from the quality of scheduled all-cargo service. On reconsideration, however, we find there is no showing that the proposed expansion of cargo charter authority would significantly contribute to the performance of the cargo carriers' scheduled operations.

This conclusion is based on our view that to the extent the 2 percent volume allowance may have been unduly restrictive, that problem has been met by the Board's promulgation of a final rule on December 1, 1967 (ER–515), exempting from the Part 207 limitation civilian charters performed as a backhaul to one-way military charters. The Board believes that existing off-route charter authority provides cargo carriers with enough flexibility to meet fluctuations in the demand for scheduled service.[6] In fact, there is no indication that a sufficient cargo charter market exists to allow the carriers to utilize expanded cargo charter authority should any be granted. The household goods traffic in the Pacific seems to represent the only substantial present use

[1] Airlift International, Inc., the Flying Tiger Line Inc., and Seaboard World Airlines, Inc.

[2] Capitol International Airways, Inc., Modern Air Transport, Inc., Overseas National Airways, Inc., Purdue Airlines, Inc., Saturn Airways, Inc., Southern Air Transport, Inc., Standard Airways, Inc., Trans International Airlines, Inc., Universal Airlines, Inc., and World Airways, Inc.

[3] Saturn Air Transport, Inc., World Airways, Inc., Trans International Airlines, Inc., and American Flyers Airline Corp.

[4] Pan American World Airways, Inc., and Trans World Airlines, Inc.

[5] Northwest Airlines, Inc., United Air Lines, Inc., and American Airlines, Inc.

[6] Saturn has submitted figures which show, for example, that although there was a 64.9 percent decline in revenue ton-miles for Airlift's scheduled service between November 1966 and March 1967, the carrier's total services for the same period (including military and other nonscheduled) show an increase of 7.4 percent.

of cargo charter authority, and the military backhaul exemption should prove sufficiently broad to accommodate it.[7]

Moreover, to the extent that additional cargo charter authority could be utilized, its major impact would in all likelihood be in the transatlantic market.[8] This might result in diversion from scheduled operations in that area by Seaboard, one of the carriers for whose benefit the proposed rule was intended. For all these reasons we have determined not to grant addtional cargo charter authority to all-cargo carriers.

As noted earlier, the Board also proposed in the notice of proposed rule making to raise the volume limitation on a cargo carrier's off-route passenger charters to 10 percent of base revenue plane mileage. In doing so, it was recognized that "The all-cargo carriers have been certificated to engage in cargo, not passenger services, and as cargo specialists, passenger charter operations should be justified as a means of providing flexibility in connection with cargo operations." The Board felt that the proposed rule provided the desired flexibility, and tentatively found, for example, that passenger charters would permit cargo carriers to utilize their convertible passenger/cargo aircraft. This, in turn, would make possible more profitable cargo operations by enabling a carrier to use a convertible aircraft for a cargo flight in one direction and a passenger charter in the other direction, thus eliminating an otherwise empty ferry leg.

As in the case of cargo charters, we have determined on reconsideration that the proposed expansion of passenger charter authority would not measurably contribute to the carriers' scheduled cargo operations. The cargo carriers concede as much when they indicate in their comments that the limited passenger charter program proposed by the Board would not be economically feasible. They ask instead for substantially broader authority, contemplating, in our view, a large scale passenger charter program essentially independent of their scheduled cargo service.[9] Approval of the cargo carriers' requests would represent a sharp departure from the Board's policy, noted earlier, that all-cargo carriers should not be permitted to concentrate their activities in substantial passenger charter operations not clearly ancillary to their scheduled cargo service.[10] There has been no showing that this policy does not continue to be sound. On the contrary, large scale passenger charter operations, by requiring a high degree of concentration and an extensive allocation of resources on the part of cargo carriers, might well detract from their scheduled cargo service rather than contribute to it.

In addition, a grant of expanded passenger charter authorization might well result in significant diversion from the supplemental carriers.[11] Even the Board's limited proposal, for example, would permit 2,091,337 annual miles in passenger charters in 1968, the equivalent of more than 250 annual round trips between San Francsico and Tokyo, or more than 300 between New York and London.

In short, on the one hand it would appear that the limited expansion in passenger charter authority proposed by the Board to provide additional flexibility to all-cargo carriers helpful in the performance of scheduled cargo service, is not economically feasible. On the other hand, the broader proposals made by the cargo carriers would be contrary to Board policy and would result in substantial diversion from supplemental carriers. Therefore, we have decided against liberalizing the volume restriction with respect to passenger[12] as well as cargo charter authority.

Accordingly, the Board hereby terminates the rule making proceeding in Docket 19278.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12093; Filed, Oct. 3, 1968; 8:49 a.m.]

[7] Flying Tiger's off-route charter report for the calendar year 1967 shows a figure of 39.51 percent of base revenue plane mileage. Of this total, 23.27 percent consisted of military backhauls now exempted under Part 207, and 14.41 percent was otherwise exempted, leaving only 1.32 percent subject to the present 2 percent mileage restriction.

[8] Because of the large volume of Pacific military charters, the cargo market in that area would probably be fully accommodated by the military backhaul exemption.

[9] Seaboard requests that all-cargo carriers be granted unlimited passenger charter authority in their "designated area of operations," or at a minimum one-third of base revenue plane mileage allowance (limited to the designated area of operations). Both Flying Tiger and Airlift urge that the passenger charter limitation be raised to 20 percent. (Under the Flying Tiger proposal no more than 50 percent of this allowance could be used in another cargo carrier's area of operations, and at least 50 percent of the gross allowance would have to originate or terminate at a point certificated to the carrier.)

[10] ER-375, Mar. 26, 1963; ER-419, Sept. 18, 1964; ER-443, n. 11, September 2, 1965. See also Order E-19602, May 22, 1963; Transatlantic Charter Investigation, Orders E-20530, E-20531, served Mar. 3, 1964.

[11] Flying Tiger asserts that its proposed passenger charter authority would not adversely affect the supplemental carriers, noting the substantial growth in the passenger charter market (47 percent in 1967). It also observes that the total authorized off-route charter authority of the three all-cargo carriers at 20 percent of base revenue plane mileage would amount to only 15 percent of the combined total civilian passenger charter revenues of all of the supplemental carriers, and only slightly more than 10 percent of the total civil charter revenues (including cargo). The figures submitted show, however, that the combined authorization of the three cargo carriers at 10 percent would exceed the individual civilian passenger charter operations of six of the 13 supplemental carriers (American Flyers, Johnson Flying Service, Purdue Aeronautics, Standard Airways, Vance International Airways, and Universal).

[12] In light of our disposition of the major proposals, we will deny the request of Flying Tiger and Seaboard for inclusive tour and split-charter authority to go along with their off-route passenger charter authority. We deny also Flying Tiger's proposal that cargo carriers be permitted to compute the volume limitaiton of § 207.6, at their discretion, on the basis of revenue plane miles in scheduled service, revenue ton-miles, or revenue dollars. In the Board's view, this represents an undesirable method of increasing off-route charter authority in that it would destroy any uniformity in application of the mileage restriction and would make reporting and enforcement extremely difficult.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18109; RM-1122]

AUTOMATIC AND SELF-MONITORED FM BROADCAST TRANSMITTERS

Installation and Use; Order Further Extending Time for Filing Comments and Reply Comments

1. This proceeding, instituted by a notice of inquiry, adopted March 27, 1968, concerns the feasibility of automatic and self-monitored broadcast transmitters (FCC 68-331). The dates for comments and reply comments are September 23 and October 28, 1968.

2. On September 20, 1968, the Electronics Industries Association (EIA) requested a further 30-day extension. It previously had sought and obtained a 90-day extension because of the complexity of the matters raised, EIA's desire to prepare comprehensive comments, and the need to obtain a consensus of all the Association's members. EIA's counsel states that the difficulties and complexities of the issues listed are such that EIA has not yet been able "to finalize and obtain a concensus on its filing."

3. In the circumstances, good cause for granting a further extension exists. *Accordingly, it is ordered,* That the times for filing comments and reply comments are extended to and including October 25 and November 25, 1968, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(i), and 303(r) of the Communications Act of 1943, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: September 26, 1968.

Released: September 27, 1968.

[SEAL] JAMES O. JUNTILLA,
Acting Chief, Broadcast Bureau.

[F.R. Doc. 68-12105; Filed, Oct. 3, 1968; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF TRACTS OFFSHORE LOUISIANA

Oil and Gas Lease Sales; Amendment and Correction

In F.R. Doc. 68–11182, appearing in the issue for Friday, September 13, 1968, at pp. 12974–12977, make the following changes:

1. In Louisiana Map No. 4, Eugene Island Area, appearing at page 12975 in the second column, change Tract No. "La. 1993" to "La. 1983."

2. All of Block 53, Breton Sound Area, appearing in Louisiana Map No. 10 at page 12976 in the first column, is hereby withdrawn and deleted from the lease sale. (As originally published, this block was not designated with a tract number.)

3. The heading announcing the date for the second sale, appearing at page 12976 in the first column, should read "January 14, 1969" instead of "January 21, 1969."

IRVING SENZEL,
Assistant Director,
Bureau of Land Management.

SEPTEMBER 27, 1968.

[F.R. Doc. 68–12071; Filed, Oct. 3, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

October Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.d.t., on September 30, 1968, and, subject to amendment, continuing until superseded by the November Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, butter, cheese, and nonfat dry milk.

With the beginning of the 1968-crop marketing season, formula minimum pricing for corn and grain sorghum is based on 1968 price-support rates.

Since a quantity of extra long staple cotton equal to the 1968–69 shortfall of 39,000 bales has been sold from CCC stocks, sales at market prices have been discontinued. Extra long staple cotton will continue to be offered for sale at not less than 115 percent of the support price.

Information on the availability of commodities stored in Commodity Credit Corporation bin sites may be obtained from ASCS State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sale prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–3 or 4) for October 1968 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM–4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. In addition, free market stocks of corn, grain sorghum, barley, oats, wheat, and wheat flour, under Announcement PS–1; tobacco under Announcement PS–3; cottonseed oil and soybean oil under Announcement PS–2; and upland and extra long staple cotton under Announcement PS–4; are eligible for programing in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of Barter and Stockpiling, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and

be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel in-store).*[1]

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.08½	$0.06	Minneapolis—No. 1 DNS ($1.56) 115 percent +$0.06; $1.86. Portland—No. 1 SW ($1.44) 115 percent +$0.06; $1.72. Kansas City—No. 1 HRW ($1.44) 115 percent +$0.06; $1.72. Chicago—No. 1 RW ($1.46) 115 percent +$0.06; $1.74.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the subsidy acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. CCC will sell wheat for export under Announcement GR–261 (Revision II, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

(3) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966. However, CCC-owned wheat will not be sold for barter at west coast ports.

C. Announcement GR–262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966. However, sales for barter will not be made at west coast ports.

D. CCC will not sell wheat under Announcement GR–346 until further notice.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115 percent of the applicable 1967 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store*[1] *basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
$0.04	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.08+$0.02½) 115 percent +$0.04; $1.33. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.08+$0.02½ +$0.19): 105 percent +$0.04; $1.41.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

Export. Limited quantities of corn at East Coast and eastern gulf ports for cash at the market price, as determined by CCC, for export under Announcement GR–212 (Revision 2, Jan. 9, 1961). The statutory minimum price referred to in GR–212 is computed in accordance with B1 of the unrestricted use section for corn.

Available. Kansas City ASCS Commodity Office.

GRAIN SORGHUM, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1967 price-support loan rate[2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month

See footnotes at end of document.

at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate [2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.07½	$0.2¾	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.59) 115 percent +$0.7¼; $1.95¼. Kansas City, Mo. ($1.85) 115 percent +$0.02¾; $2.11¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.59+$0.34); 105 percent +$0.07¼; $2.14¼. Kansas City, Mo. ($1.85+$0.34); 105 percent +$0.02¾; $2.28¾.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966, and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rate [2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.08½	$0.06	Cass County, N. Dak. ($0.87); 115 percent +$0.08½; $1.07½. Minneapolis, Minn. ($1.10); 115 percent +$0.06; $1.33.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Minneapolis, and Portland grain offices.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rates [2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store [1] Basis No. 2 XHWO).*

Markup in-store	Examples
$0.08½	Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.08½; $0.81½.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export. Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent [2] of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949: Stat. minimum
Truck	Rail or barge	
$0.08½	$0.06	Rolette County, N. Dak. ($0.89); 115 percent +$0.08½; $1.11½. Minneapolis, Minn. ($1.23); 115 per cent +$0.06; $1.48.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcement:

A. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent plus 19 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369, Revision III, as amended, Rice Export Program.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN–EX–28 (Acquisition of Upland Cotton for Export Under the Barter Program), and NO–C–31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6. (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Barter. Extra long staple cotton will also be available under terms and conditions to be issued in the near future.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

See footnotes at end of document.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered and whether for restricted or unrestricted use are announced in weekly lot lists are invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitation to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8–3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate [2] for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example (dollars per bushel in-store No. 1, 9.1–9.5 percent moisture).*

Markup per bushel received by—		Example of minimum prices—terminal and prices
Truck	Rail or barge	
$0.07½	$0.03¼	Minneapolis, Minn. ($3.16) 105 percent + $0.03¼; $3.35¼.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 74 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon and California. All other States 73 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 52.750 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 51.750 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for bin-site sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA AGRICULTURE STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556–6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 228–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on September 27, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68–12056; Filed, Oct. 3, 1968; 8:46 a.m.]

Packers and Stockyards Administration

SALMON RIVER LIVESTOCK COMMISSION, INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

IDAHO

Salmon River Livestock Commission, Inc., Salmon, Sept. 14, 1968.

IOWA

W & W Livestock Enterprises, Inc., La Porte City, Sept. 16, 1968.

KANSAS

Kinsley Livestock Sale Company, Kinsley, Sept. 16, 1968.

OKLAHOMA

Carnegie Livestock Auction, Carnegie, Aug. 22, 1968.

TEXAS

Groveton Auction Barn, Groveton, Sept. 19, 1968.

Smithville Livestock Commission Co., Smithville, Sept. 17, 1968.

Done at Washington, D.C., this 27th day of September 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-12059; Filed, Oct. 3, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

GRANTS FOR LIBRARY INSTITUTES

Notice of Establishment of Closing Date for Receipt of Applications for Grants

Title II-B of the Higher Education Act of 1965, as amended, authorizes a program of institutes to substantially further the objective of increasing the opportunities throughout the Nation for training in librarianship, including the acquisition, organization, storage, retrieval, and dissemination of information, and reference and research use of library and other information resources.

Section 223 of the Act authorizes the U.S. Commissioner of Education to make grants to institutions of higher education to assist them in conducting such training (including short term or regular session institutes) in librarianship.

The Commissioner has determined that it is necessary for the efficient administration of the program to establish a "cutoff date" for the receipt of applications from institutions of higher education for such grants for library institutes during the summer of 1969 and the 1969-70 academic year.

Accordingly, notice is hereby given that the date of December 1, 1968, is established as the closing date upon which applications may be filed with and received by the U.S. Commissioner of Education for grants for library institutes during the summer of 1969 and the 1969-70 academic year.

Application forms and instructions may be obtained from the Division of Library Services and Educational Facilities, Bureau of Adult, Vocational, and Library Programs, U.S. Office of Education, Washington, D.C. 20202.

Dated: September 23, 1968.

HAROLD HOWE II,
U.S. Commissioner of Education.

[F.R. Doc. 68-12116; Filed, Oct. 3, 1968; 8:50 a.m.]

LIBRARY SERVICES AND CONSTRUCTION

Promulgation of Federal Shares

Pursuant to section 104(d) and subject to the limitations of section 104(c) of the Library Services and Construction Act, 70 Stat. 293, as amended, and it having been found that the three most recent consecutive years for which satisfactory data are available from the Department of Commerce as to per capita income, are the years 1965, 1966, and 1967, the Federal shares for the purposes of Titles I, II, and Parts A and B of Title IV of such Act for the several States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands are hereby promulgated as indicated below to be effective for the fiscal years ending June 30, 1970, and June 30, 1971.

State:	*Federal share (percent)*
Alabama	65.47
Alaska	41.56
Arizona	56.81
Arkansas	66.00
California	41.54
Colorado	50.69
Connecticut	37.33
Delaware	41.19
Florida	55.34
Georgia	60.20
Hawaii	47.69
Idaho	58.44
Illinois	40.41
Indiana	48.82
Iowa	50.15
Kansas	51.57
Kentucky	62.22
Louisiana	61.68
Maine	58.06
Maryland	45.60
Massachusetts	44.37
Michigan	45.35
Minnesota	51.10
Mississippi	66.00
Missouri	52.44
Montana	55.73
Nebraska	51.26
Nevada	41.57
New Hampshire	52.38
New Jersey	41.61
New Mexico	60.20
New York	40.60
North Carolina	61.96
North Dakota	59.50
Ohio	48.58
Oklahoma	58.39
Oregon	50.76
Pennsylvania	49.78
Rhode Island	48.20
South Carolina	65.59
South Dakota	59.12
Tennessee	62.45
Texas	56.96
Utah	57.99
Vermont	55.88
Virginia	55.93
Washington	45.48
West Virginia	63.28
Wisconsin	50.12
Wyoming	53.08
District of Columbia	34.45
Outlying parts of the United States:	
American Samoa	66.00
Guam	66.00
Puerto Rico	66.00
Virgin Islands	66.00
Trust Territory of the Pacific Islands	100.00

Dated: September 23, 1968.

HAROLD HOWE II,
U.S. Commissioner of Education.

[F.R. Doc. 68-12117; Filed, Oct. 3, 1968; 8:51 a.m.]

Social and Rehabilitation Service

[Interim Policy Statement 18]

SUPPLEMENTATION OF PAYMENTS MADE TO SKILLED NURSING HOMES; MEDICAL ASSISTANCE

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to section 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were approved, with binding effect on States, on August 8, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regu-

lations will be codified in Title 45 of the Code of Federal Regulations.

Dated: August 16, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: September 30, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Supplementation of payments made to skilled nursing homes; medical assistance.

2. *Purpose.* To modify current implementation of section 1902(a) of the Social Security Act. Postponement of the date before which a State plan for medical assistance must provide for the acceptance of State payments by providers of nursing home care as payment in full.

3. *Regulation.* A State plan for medical assistance must provide that participation in the program will be limited to providers of service who accept, as payment in full, the amounts paid in accordance with the fee structure, except that—

(a) Prior to January 1, 1969, a State plan need not provide for the acceptance by providers of service of the amounts paid by the agency as payment in full to the extent that a State has contrary existing arrangements with providers of service and where the State makes special justification that it is not otherwise able to enlist participation of a sufficient number of providers of service to insure adequate care for all eligible individuals; and

(b) With respect to payment for care furnished in skilled nursing homes, existing supplementation programs will be permitted until January 1, 1971, where the State has determined and advised the Department of Health, Education, and Welfare that its payments are less than the reasonable cost of skilled nursing home services permitted under the State's medical assistance plan and the State has, prior to 1971, provided the Department of Health, Education, and Welfare with a plan for phasing out such supplementation within a reasonable period after January 1, 1971.

[F.R. Doc. 68-12084; Filed, Oct. 3, 1968; 8:48 a.m.]

[Interim Policy Statement 20]

REGULATIONS FOR MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S PROGRAMS

Notice of Interim Policies and Requirements

Notice is hereby given that the regulations set forth below (made pursuant to section 1102 of the Social Security Act, 42 U.S.C. 1302) prescribe certain interim policies and requirements for Social and Rehabilitation Service programs which were approved, with binding effect on States, on August 12, 1968, by the Administrator, Social and Rehabilitation Service. Interested persons who wish to submit comments, suggestions, or objections pertaining thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of these interim policies and requirements in the FEDERAL REGISTER. The final regulations will be codified in Title 42 of the Code of Federal Regulations.

Dated: August 12, 1968.

[SEAL] MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: September 30, 1968.

WILBUR J. COHEN,
Secretary.

1. *Subject.* Maternal and child health and crippled children's programs.

2. *Purpose.* To reflect the amendment of title V of the Social Security Act by sections 301 and 304 of the Social Security Amendments of 1967 (Public Law 90-248).

3. *Regulations.* Federal financial assistance extended under the regulations herein is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

SECTION 200.1 *Terms.* Unless the context otherwise requires, the following terms as used in these regulations have the following meanings:

(a) "State" means the several States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands;

(b) "State Agency" means the official agency of a State administering or supervising the administration of a State plan for Maternal and Child Health or Crippled Children's Services;

(c) "Act" means the Social Security Act as amended (42 U.S.C. Chap. 7);

(d) "Service" means the Social and Rehabilitation Service in the Department of Health, Education, and Welfare;

(e) "Administrator" means the Administrator of the Social and Rehabilitation Service;

(f) "Bureau" means the Children's Bureau in the Social and Rehabilitation Service;

(g) "Chief" means the Chief of the Children's Bureau in the Social and Rehabilitation Service.

(h) "Obligation" means a debt properly incurred by a State agency in carrying out the provisions of an approved State plan;

(i) "Official forms" means forms supplied by the Bureau to State agencies for requesting funds and for submitting State budgets or reports under Title V of the Act;

(j) "Crippled child" means an individual below the age of 21 who has an organic disease, defect, or condition which may hinder the achievement of normal growth and development;

(k) "Facilitating services" means transportation, subsistence away from home, drugs, biologicals, communications, supplies and equipment as may be necessary for the provision of maternal and child health or crippled children's services;

(l) "Health" means a state of physical and mental well-being not merely the absence of disease or infirmity;

(m) "Medical care" means services, including services in hospitals, convalescent homes, and clinics, and home health services, by physicians and the allied services of dentists, nurses, medical and social workers, nutritionists, dietitians, physical therapists, occupational therapists, speech and hearing specialists, optometrists, technicians and other personnel whose services are needed in the maternal and child health and crippled children's programs;

(n) "Maternal and child health services" means (1) the provision of educational, preventive, diagnostic and treatment services, including medical care, hospitalization and other institutional care and after care, appliances and facilitating services directed toward reducing infant mortality and improving the health of mothers and children; (2) the development, strengthening and improvement of standards and techniques relating to such services and care; (3) the training of personnel engaged in the provision, development, strengthening or improvement of such services and care; and, (4) necessary administrative services in connection with the foregoing;

(o) "Crippled children's services" means (1) the early location of crippled children; (2) the provision for such children of preventive, diagnostic and treatment services, including medical care, hospitalization and other institutional care and after care, appliances and facilitating services directed toward the diagnosis of the condition of such children or toward the restoration of such children to maximum physical and mental health; (3) the development, strengthening and improvement of standards and techniques relating to the provision of such care and services; (4) the training of personnel engaged in the provision, development, strengthening or improvement of such care and services; and (5) necessary administrative services in connection with the foregoing;

(p) "Demonstration services" means either (1) the provision in a county, district, or community of more and better health services than are available in any comparable area in the State, utilizing facilities meeting acceptable standards and personnel who are especially well qualified, for the purpose of establishing standards of care and service that can be shown to be practical, effective and adequate to improve the health of mothers and children, or (2) the provision of a special type of health service for the purpose of proving its value in improving the health of mothers and children and in providing information on cost, methods of development, techniques of provision and the administration of a given type of health service not generally available to mothers and children;

(q) "Specialized expenditures for Maternal and Child Health Services," "Specialized expenditures for Crippled Children's Services," "Supporting expenditures for Maternal and Child Health Services," and "Supporting expenditures for Crippled Children's Services," shall have such meaning as may be ascribed to them in policies issued by the Administrator in order to best achieve the objectives of the Act

SEC. 200.2 *State plans; general requirement; form, contents, and amendment.* (a) The basic condition to the certification of Federal funds is a State Plan for Maternal and Child Health and Crippled Children's Services, approved as meeting requirements of Title V, of the Act and regulations established thereunder.

(b) The State Plan shall follow the instructions as to form and content indicated in the Plan Instructions to be released by the Bureau pursuant to these regulations and shall contain descriptions of all material

phases of the Maternal and Child Health and Crippled Children's Programs, including (1) their legal bases, (2) the manner in which their purposes, as contemplated by section 501 of the Act, will be carried out, (3) their scope and content, and (4) the policies, standards, methods and procedures relative to (i) their administration, (ii) the supervision of their administration, (iii) their operation, and (iv) their compliance with the requirements of the Act.

(c) The State Plan and Budget shall be revised, in accordance with instructions from the Bureau, whenever there are significant changes.

SEC. 200.3 *Administration locally of State Plans.* The State Plan shall:

(a) Provide for its administration in local communities,

(1) Directly by the State agency; or

(2) By local public agencies which are, with respect to their administration locally of such plan, supervised by the State agency; or,

(3) By a combination of the foregoing methods of administration; and

(b) Set forth the manner in which the State agency will exercise and make effective its supervision over the operations of the local public agencies with respect to their administration locally of such plan.

SEC. 200.4 *Program units.* (a) The State Plan shall provide:

(1) With respect to the maternal and child health services program, for the establishment in the State agency, under the direction of a program director, of a separate organizational unit charged primarily with responsibilities in the field of maternal and child health and including, at least, the planning, promoting, and coordinating of maternal and child health services and the administration of the unit and its staff as provided under the State Plan;

(2) With respect to the crippled children's services program for the establishment, in the State agency, of a separate organizational unit charged primarily with responsibilities in the field of health services for crippled children and including, at least, the planning, promoting and coordinating of crippled children's services and the administration of the unit and its staff as provided under the State Plan: *Provided,* That, where the major functions of the State agency relate to the provision of health services to children, as in the case of a Crippled Children's Commission, such commission shall itself be considered as the separate organizational unit required.

(b) The State Plan may provide for combining the Crippled Children's Program Unit and the Maternal and Child Health Program Unit into one organizational unit under the direction of a single program director.

SEC. 200.5 *Program directors.* The State Plan shall provide that the Maternal and Child Health and Crippled Children's Program Unit or Units, will both or each be under the direction of a program director who will be (a) a Doctor of Medicine; (b) a full-time employee of the State agency; (c) devoting his full time, during the hours of his employment by the State agency, to the work of the Program Unit of which he is the director: *Provided,* That the Administrator may approve a plan provision providing for the part-time employment of such Doctor of Medicine where satisfactory evidence is submitted justifying such a provision.

SEC. 200.6 *Information on services available.* The State Plan shall describe how the public throughout the State will be fully informed as to the maternal and child health and crippled children's services available under the State Plan.

SEC. 200.7 *Limitations on provision of services.* The State Plan for maternal and child health and crippled children's services shall provide that hospital, rehabilitation, convalescent or foster home care, or appliances provided to individuals under the plans will be made available only to individuals who are receiving medical services provided or arranged for by the State agency in accordance with the standards and policies of the plan.

SEC. 200.8 *Crippled children's program; required content.* With respect to services for crippled children, the State Plan shall make provision for:

(a) Services for the early location of crippled children;

(b) The diagnosis and evaluation of the condition of such children;

(c) Treatment services including at least appropriate services by physicians, appliances, hospital care and after care as needed; and

(d) The development, strengthening and improvement of standards and services for crippled children.

SEC. 200.9 *Crippled children's program; diagnostic services.* With respect to services for crippled children, the State Plan shall provide that the diagnostic services under the plan will be made available within the area served by each diagnostic center to any child (a) without charge, (b) without restriction or requirement as to the economic status of such child's family or relatives or their legal residence, and (c) without any requirement for the referral of such child by any individual or agency.

SEC. 200.10 *Standards relating to the provision of services.* The State Plan shall describe the standards required for personnel, and facilities utilized in the provision of such services as (a) are found, upon investigation by the State agency, to be best adapted for the attainment of the specific purpose, (b) will assure a reasonable high standard of care, and (c) are in substantial accordance with national standards as accepted by the Service or standards prescribed by the Service.

SEC. 200.11 *Authorizations of service.* The State Plan shall provide that all services purchased for individuals under the plan will be authorized by employees of the State agency, or by employees of the local public agency administering a part of the plan locally under the supervision of the State agency, and that record of such authorizations will be retained by the State or local public agency as a part of the individual's case record.

SEC. 200.12 *Confidential information.* The State Plan shall:

(a) Provide that all information as to personal facts and circumstances obtained by the State or local staff administering the program shall constitute privileged communications, shall be held confidential and shall not be divulged without the individual's consent except as may be necessary to provide services to individual mothers and children; *Provided,* That, information may be disclosed in summary, statistical or other form which does not identify particular individuals; and

(b) Set forth suitable regulations and safeguards to carry out the provisions of paragraph (a) of this section.

SEC. 200.13 *Rates of payment for medical care; appliances and convalescent and foster home care.* The State Plan shall:

(a) Set forth the methods utilized by the State agency in establishing and substantiating that rates of payment for medical care, appliances, and convalescent and after care provided under such plans are reasonable and necessary to maintain the standards relating to the provision of services established pursuant to section 200.10, and

(b) Provide that schedules of the rates thus established will be maintained by the State agency at its offices.

SEC. 200.14 *Rates of remuneration for hospital care.* The State Plan shall provide that payment for inpatient hospital care shall be the reasonable cost of such care established in accordance with standards approved by the Administrator.

SEC. 200.15 *Additional remuneration for services.* The State Plan shall provide that professional personnel, hospitals, and other individuals, agencies or groups providing any services authorized by the State agency, under a State Plan, shall agree not to make any charge to or accept any payment from the patient or his family for such services unless the amount of such payment is determined and authorized for each patient by the State agency.

SEC. 200.16 *Maintenance of State records.* The State Plan shall provide that, for reporting purposes, there will be maintained at the State level such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the costs of carrying out the State Plan, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the funds authorized for carrying out the State Plan.

SEC. 200.17 *Demonstration services.* The State Plan shall provide for the development of demonstration services (with special attention to dental care for children and family planning services for mothers) in needy areas and among groups in special need and shall set forth the policies, standards and criteria applicable to the development and provision of such services, and to the selection of such areas and groups.

SEC. 200.18 *Use of subprofessional staff and volunteers.* The State Plan shall:

(a) Provide for the training and effective use of paid subprofessional staff in the administration of the Plan. Particular emphasis shall be given to full-time or part-time employment of persons of low income as community service aides.

(b) Provide for the use of nonpaid or partially paid volunteers in providing services and in assisting any advisory committees established by the State agency.

(c) Provide for the utilization of staff as specified in (a) and (b) above, no later than July 1, 1969.

SEC. 200.19 *Use of optometrists.* The State Plan shall provide that, where payment is authorized under the Plan for services which an optometrist is licensed to perform, the individual for whom such payment is authorized may obtain such services from a licensed optometrist. This provision does not apply, however, in cases where such survices are rendered in a clinic or other appropriate institution which does not have an arrangement with optometrists licensed to perform such services.

SEC. 200.20 *Acceptance of family planning services.* The State Plan shall provide that acceptance of family planning services offered under the Plan shall be voluntary on the part of the individual to whom such services are offered. Acceptance of family planning services shall not be a prerequisite to eligibility for or the receipt of any service under the Plan.

SEC. 200.21 *Cooperation with other agencies and groups.* The State Plan shall provide for cooperation with the State agency which administers the program of medical assistance established under Title XIX of the Act and with other medical, health, nursing, educational, and welfare groups and organizations, and, with respect to the portion of the plan relating to services for crippled children, with any agency in such State charged with administering State laws providing for vocational rehabilitation of physically handicapped children.

SEC. 200.22 *Specialized and supporting expenditures.* (a) The State agency shall, with respect to its total annual expenditures of Federal and required matching funds for its Crippled Children's program, identify as "specialized" expenditures for such program an amount equal to 80 percent or more of the total annual expenditures of Federal and required matching funds for that program, provided the remaining 20 percent or less of such total expenditures were for purposes within the scope of the approved crippled children's services plan.

(b) The State agency shall, with respect to its total annual expenditures of Federal and required matching funds for its Maternal and Child Health program, provide in its State plan for the allocation of such expenditures to such program in accordance with either of the following procedures:

(1) On the basis of objective criteria set forth in the State plan, allocate to such program a portion of "supporting expenditures" which, together with any "specialized expenditures" identified for such program will at least equal the total annual expenditures of Federal and required matching funds;

(2) Identify as "specialized" expenditures for such program an amount equal to 80 percent or more of the total annual expenditures of Federal and required matching funds for that program, provided the remaining 20 percent or less of such total expenditures were for purposes within the scope of approved maternal and child health services plan.

SEC. 200.23 *Allotments.* (a) Prior to the beginning of each fiscal year the Chief will prepare and make available to the several State agencies an estimated schedule of the amounts which it is expected will be allotted to each State during the fiscal year for each program.

(b) With respect to amounts determined to be available for any fiscal year for allotments for Crippled Children's services:

(1) One-half is alloted among the States in accordance with criteria specified in the Act. These funds are referred to as "Fund A." Each State receives an allotment of $70,000 and such part of the amount remaining as the number of children under 21 in the State bears to the total number of such children in the United States. The number of children under 21 is used as the index of the number of crippled children, since adequate statistics on the number of crippled children are not available; and,

(2) The other half is known as "Fund B." From this fund, an amount designated by the Appropriation Act is available to States and to nonprofit institutions of higher learning for special projects for crippled children who are mentally retarded. From the remainder of Fund B, not less than 75 percent is apportioned among the States according to the need of each State for financial assistance in carrying out its State Plan after taking into consideration the number of children under 21 years in each State and per capita income in each State. The apportionments vary directly with the number of children under 21 years of age in the State, and the number in rural areas of the State, with rural children given twice the weight of children in urban areas. The apportionments vary inversely with State per capita income. Depending upon the amount of funds available, a minimum amount is set by the Chief below which a State's apportionment may not fall. Funds thus apportioned are allotted to States as needed. The remaining 25 percent or less of Fund B is reserved for grants to States and to nonprofit institutions of higher learning for special projects of regional or national significance which may contribute to the advancement of services for crippled children.

(c) With respect to amounts determined to be available for any fiscal year for allotments for Maternal and Child Health services:

(1) One-half is allotted among the States by a formula specified in the law. These funds are referred to as "Fund A." Each State receives an allotment of $70,000, and such part of the amount remaining as the number of live births in the State bears to the total number in the United States; and

(2) The other half is known as "Fund B." From this fund an amount designated by the Appropriation Act is available to States and to nonprofit institutions of higher learning for special projects for mentally retarded children. From the remainder of Fund B, not less than 75 percent is apportioned among the States according to the need of each State for financial assistance in carrying out its State Plan after taking into consideration the number of live births in each State and per capita income in each State. The apportionments vary directly with the number of live births in the State, and the number in rural areas of the State, with rural births given twice the weight of urban births. The apportionments vary inversely with State per capita income. Depending upon the amount of funds available, a minimum amount is set by the Chief below which a State's apportionment may not fall. Funds thus apportioned are allotted to States as needed. The remaining 25 percent or less of Fund B is reserved for grants to States and to nonprofit institutions of higher learning for special projects of regional or national significance which may contribute to the advancement of maternal and child health.

SEC. 200.24 *Submission of budgets by State agencies.* Prior to the beginning of each fiscal year, the State agency shall submit, upon official forms and in accordance with procedures established by the Bureau, an annual budget appropriately documented and supported and indicating the availability and sources of all funds and indicating the purposes for which the funds are to be expended.

SEC. 200.25 *Payments to States; effect of certification.* Neither the approval of the State Plan nor any certification of funds or payment to the State pursuant thereto shall be deemed to waive the failure of the State to observe before or after such administrative action any Federal requirements or the right or duty of the Administrator to withhold funds by reason thereof.

SEC. 200.26 *Private funds.* Funds obtained from private sources and made fully available for expenditure by the State agency under the approved State Plan may be included in the computation of the amounts of public funds expended: *Provided,* That, funds provided by private agencies or institutions whose facilities are to be used in carrying out the State Plan under arrangements involving compensation for such use shall not be included in such computation. Private funds shall be placed on deposit in accordance with the State law, but if there is no State law setting forth applicable procedures, the funds shall be deposited with the State Treasurer, the Treasurer of a political subdivision, or in a private depository, in a special account to the credit of the State agency. If the funds are deposited with the State Treasurer or the Treasurer of a political subdivision, the certificate of the Treasurer shall be furnished showing the deposit of such funds in a special account to the credit of the State agency. If the funds are placed in a private depository, the certificate of an officer of the private depository shall be furnished showing the deposit of such funds in a special account to the credit of the State agency.

SEC. 200.27 *Equipment and supplies.* All items of equipment or supply purchased in carrying out the State Plan are to be used only for the purposes for which such items were purchased and the State agency shall maintain a complete equipment inventory and adequate property controls.

SEC. 200.28 *Application of Federal funds; effect of State rules.* Except as specifically stated in the Act and in these regulations, State laws, rules, regulations and standards governing the custody and disbursement of State funds shall govern the custody and disbursement of Federal funds paid to the State.

SEC. 200.29 *Custody of Federal funds.* The State Treasurer or official exercising similar functions for the State shall receive and provide for the custody of all funds paid to the State under the Act, subject to requisition or disbursement thereof by the State agency for plan purposes.

SEC. 200.30 *Earned interest.* Interest on grants made under the Act shall be returned to the Federal government.

SEC. 200.31 *Collections.* Any amounts refunded or paid to the State for services or supplies provided under the Maternal and Child Health or Crippled Children's plan shall be credited to the Federal account in proportion to the Federation participation in the expenditures by reason of whoch such refunds or payments were made.

SEC. 200.32 *Extension of services.* No payment will be made from the allotments for Maternal and Child Health or Services for Crippled Children to any State which fails to make a satisfactory showing that it is extending the provision of services under its Plan with a view to making such services available in all parts of the State by July 1, 1975. Services which must be extended are those to which the State Plan applies, including services for dental care for children and family planning for mothers.

SEC. 200.33 *Maintenance of financial effort.* The amount payable to any State under these regulations for any fiscal year ending after June 30, 1968, shall be reduced by the amount by which the sum expended (as determined by the Bureau) from non-Federal sources for maternal and child health services and services for crippled children for such year is less than the sum expended from such sources for such services for the fiscal year ending June 30, 1968. In case of any such reduction the Administrator shall determine the portion thereof which shall be applied, and the manner of applying such reduction, to the amounts otherwise payable to the State under these regulations.

[F.R. Doc. 68–12085; Filed, Oct. 3, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SA–406]

ACCIDENT AT CHARLESTON, W. VA.

Notice of Hearing

In the matter of investigation of accident involving Piedmont Airlines aircraft, Fairchild Hiller 227B, of U.S. Registry N712U, Charleston, W. Va., August 10, 1968.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m. (local time), October 22, 1968, in

the South Gallery, Charleston Civic Center, Charleston, W. Va.

Dated this 1st day of October 1968.

[SEAL] WILLIAM R. HENDRICKS,
Hearing Officer.

[F.R. Doc. 68-12073; Filed, Oct. 3, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-216]

NEW YORK UNIVERSITY

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued to New York University (NYU) Amendment No. 1, as set forth below and effective as of the date of issuance, to Facility License No. R-107. The license authorizes NYU to operate its Model AGN-201M, Serial No. 105, nuclear reactor facility located on the NYU campus in University Heights, Borough of the Bronx, New York, N.Y. The amendment authorizes NYU to operate the reactor with graphite in the thermal column in lieu of the lead-water now authorized and originally described in the application for license. The amendment is being issued in accordance with NYU's application for license amendment dated August 26, 1968.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) NYU's application for license amendment dated August 26, 1968, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) may be obtained at the Commission's Public Document Room or upon request made to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing, Washington, D.C.

Dated at Bethesda, Md., this 18th day of September 1968.

For the Atomic Energy Commission.

FRANK L. KELLY,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License R-107, Amdt. 1]

The Atomic Energy Commission has found that:

a. New York University's application for license amendment dated August 26, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commisison's regulations set forth in Title 10, Chapter I, CFR;

b. There is reasonable assurance that the activities authorized by the license, as amended, can be conducted at the designated location without endangering the health and safety of the public;

c. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

d. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, Facility License No. R-107, which authorizes New York University to operate its Model AGN-201M, Serial No. 105, nuclear reactor, is hereby amended by changing Item 1 thereof to read as follows in accordance with application of August 26, 1968, which requested a change in the facility description from that originally described in the application:

1. This license applies to the homogeneous nuclear reactor Model AGN-201M, Serial No. 105 (hereinafter "the reactor"), which is owned by New York University (hereinafter "the licensee"), located in University Heights, Borough of the Bronx, New York, N.Y., and described in the application for license dated December 19, 1963, as amended, including recent amendment thereto dated August 26, 1968 (hereinafter "the application").

This amendment is effective as of the date of issuance.

Date of issuance: September 18, 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-12053; Filed, Oct. 3, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19256; Order 68-9-159]

AVIATION SERVICES, INC.

Order Fixing Final Mail Rate

Issued under delegated authority, September 30, 1968.

All interested persons, and particularly the parties named below,[1] were directed to show cause by Order 68-9-17 dated September 6, 1968, why the Board should not establish the service mail rate proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a decision by the Board fixing the service mail rate.

Upon consideration of the record, the findings and conclusions set forth in said order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations, 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.14(g):

It is ordered, That:

1. The fair and reasonable final service mail rate to be paid to Aviation Services, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Dodge City, Kans., and Pueblo, Colo., shall be 30.95 cents per great circle aircraft mile;

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General;

3. This order shall be served on Aviation Services, Inc., the Postmaster General, and Frontier Airlines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12094; Filed, Oct. 3, 1968; 8:49 a.m.]

[1] Aviation Services, Inc., the Postmaster General, and Frontier Airlines, Inc.

[Docket No. 17657, etc.]

EXECUTIVE JET AVIATION, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 29, 1968, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the second prehearing conference report served on August 14, 1968, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 30, 1968.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 68-12103; Filed, Oct. 3, 1968; 8:49 a.m.]

[Docket No. 20159; Order 68-9-173]

MOHAWK AIRLINES, INC.

Order Providing for Further Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1968.

On August 30, 1968, Mohawk Airlines, Inc. (Mohawk), filed an application pur-

suant to Subpart M of Part 302 of the Board's procedural regulations, for amendment of its certificate of public convenience and necessity for Route 94 to authorize it to provide, without subsidy eligibility, nonstop service between Rochester, N.Y., and Washington, D.C. Mohawk is authorized to serve Rochester on segments 1 and 3 and Washington on segments 8 and 11.

United Air Lines, Inc., has filed a statement requesting that the Board dismiss Mohawk's application.

Upon consideration of the foregoing, we do not find that Mohawk's application is not in compliance with, or is inappropriate for processing under the provisions of Subpart M. Accordingly, we order further proceedings pursuant to the provisions of Subpart M, §§ 302.-1306—302.1310, with respect to Mohawk's application.

Accordingly, it is ordered:

1. That the application of Mohawk Airlines, Inc., in Docket 20159, be and it is hereby set for further proceedings pursuant to Rules 1306–1310 of the Board's procedural regulations; and

2. That this order shall be served upon all parties served by Mohawk in its application.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12095; Filed, Oct. 3, 1968; 8:49 a.m.]

NORTH CENTRAL AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

OCTOBER 1, 1968.

Notice is hereby given that the Civil Aeronautics Board on September 30, 1968, received an application, Docket 20305, from North Central Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 86 to authorize it to engage in nonstop service between Minneapolis/St. Paul, Minn., and Chicago, Ill. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12102; Filed, Oct. 3, 1968; 8:49 a.m.]

[Docket No. 20227; Order 68–9–164]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority, September 30, 1968.

The Postmaster General filed a notice of intent September 12, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 38.8 cents per great circle aircraft mile for the transportation of mail by aircraft between Sheldon, Spencer, Fort Dodge, and Des Moines, Iowa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model E–18–S, twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intend and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, he facilities used and useful therefor, and the services connected therewith, between Sheldon, Spencer, Fort Dodge, and Des Moines, Iowa, shall be 38.8 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12096; Filed, Oct. 3, 1968; 8:49 a.m.]

[Docket No. 20228; Order 68–9–163]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

Issued under delegated authority, September 30, 1968.

The Postmaster General filed a notice of intent September 12, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 38.8 cents per great circle aircraft mile for the transportation of mail by aircraft between Shenandoah, Iowa, Omaha, Nebr., and Des Moines, Iowa.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model E–18–S twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Shenandoah, Iowa, Omaha, Nebr., and Des Moines, Iowa, shall be 38.8 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Braniff Airways, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12097; Filed, Oct. 3, 1968; 8:49 a.m.]

[Docket No. 20139; Order 68-9-158]

SUN AIRLINE CORP.

Order Fixing Final Mail Rate

Issued under delegated authority, September 30, 1968.

All interested persons, and particularly the parties named below,[1] were directed to show cause by Order 68-9-32 dated September 9, 1968, why the Board should not establish the service mail rate proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a decision by the Board fixing the service mail rate.

Upon consideration of the record, the findings and conclusions set forth in said order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's Regulations, 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.14(g):

It is ordered, That:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Cincinnati, Ohio, and Nashville, Tenn., via Louisville, Ky., shall be 29 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General;

3. This order shall be served on Sun Airline Corporation, the Postmaster General, Trans World Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Delta Air Lines, Inc., Piedmont Aviation, Inc., Allegheny Airlines, Inc., and Ozark Air Lines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[1] Sun Airline Corp., the Postmaster General, Trans World Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Delta Air Lines, Inc., Piedmont Aviation, Inc., Allegheny Airlines, Inc., and Ozark Air Lines, Inc.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12098; Filed, Oct. 3, 1968; 8:49 a.m.]

[Docket No. 20140; Order 68-9-157]

SUN AIRLINE CORP.

Order Fixing Final Mail Rate

Issued under delegated authority, September 30, 1968.

All interested persons, and particularly the parties named below,[1] were directed to show cause by Order 68-9-38, dated September 10, 1968, why the Board should not establish the service mail rate proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a decision by the Board fixing the service mail rate.

Upon consideration of the record, the findings and conclusions set forth in said order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations, 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.14(g):

It is ordered, That:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Ashland and Louisville, Ky., via Lexington, Ky., shall be 29 cents per great circle aircraft mile;

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General;

3. This order shall be served on Sun Airline Corp., the Postmaster General, Eastern Air Lines, Inc., Delta Air Lines, Inc., Piedmont Aviation, Inc., and Allegheny Airlines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-12099; Filed, Oct. 3, 1968; 8:49 a.m.]

[1] Sun Airline Corp., the Postmaster General, Eastern Air Lines, Inc., Delta Air Lines, Inc., Piedmont Aviation, Inc., and Allegheny Airlines, Inc.

[Docket No. 20142; Order 68–9–155]

SUN AIRLINE CORP.

Order Fixing Final Mail Rate

Issued under delegated authority, September 30, 1968.

All interested persons, and particularly the parties named below,[1] were directed to show cause by Order 68–9–34, dated September 9, 1968, why the Board should not establish the service mail rate proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a decision by the Board fixing the service mail rate.

Upon consideration of the record, the findings and conclusions set forth in said order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations, 14 CFR, Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.14(g):

It is ordered, That:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Paducah and Louisville, Ky., shall be 29 cents per great circle aircraft mile;

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General;

3. This order shall be served on Sun Airline Corp., the Postmaster General, Delta Air Lines, Inc., and Ozark Air Lines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12100; Filed, Oct. 3, 1968; 8:49 a.m.]

[1] Sun Airline Corp., the Postmaster General, Delta Air Lines, Inc., and Ozark Air Lines, Inc.

[Docket No. 20143; Order 68–9–154]

SUN AIRLINE CORP.

Order Fixing Final Mail Rate

Issued under delegated authority, September 30, 1968.

All interested persons, and particularly the parties named below,[1] were directed to show cause by Order 68–9–33, dated September 9, 1968, why the Board should not establish the service mail rate proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a decision by the Board fixing the service mail rate.

Upon consideration of the record, the findings and conclusions set forth in said order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's regulations, 14 CFR, Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.14(g):

It is ordered, That:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Evansville, Ind., and Louisville, Ky., shall be 29 cents per great circle aircraft mile;

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General;

3. This order shall be served on Sun Airline Corp., the Postmaster General, Eastern Air Lines, Inc., Delta Air Lines, Inc., and Allegheny Airlines, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12101; Filed, Oct. 3, 1968; 8:49 a.m.]

[1] Sun Airline Corp., the Postmaster General, Eastern Air Lines, Inc., Delta Air Lines, Inc., and Allegheny Airlines, Inc.

CIVIL SERVICE COMMISSION

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Manpower.

By Direction of the Commission.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–12090; Filed, Oct. 3, 1968; 8:48 a.m.]

UNITED STATES INFORMATION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the United States Information Agency to fill by noncareer executive assignment in the excepted service the positions of Assistant Director (Press and Publications), and Assistant Director (Broadcasting).

By direction of the Commission.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–12089; Filed, Oct. 3, 1968; 8:48 a.m.]

POSITION CLASSIFICATION SPECIALIST, BUREAU OF THE CENSUS

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on September 24, 1968, for the single position of Position Classification Specialist, GS–221–11, Bureau of the Census, Suitland, Md. This finding terminates when the position is filled.

Assuming all other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–12091; Filed, Oct. 3, 1968; 8:48 a.m.]

TECHNICAL INFORMATION SPECIALIST, NATIONAL LIBRARY OF MEDICINE

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on September 24, 1968, for the single position of Technical Information Specialist (MEDLARS Training Officer), GS–1412–13, National Library of Medicine, Department of Health, Education, and Welfare, Bethesda, Md. This finding will terminate when the position is filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 68–12092; Filed, Oct. 3, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 407]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 30, 1968.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services applications appearing on the list set forth below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

1564–C2–P–69—Byrnes Message Bureau, Inc.; (KEJ884); C.P. to change the antenna system and relocate the base facilities operating on 152.03 MHz to Chestnut Ridge, 0.1 mile south of Hammond Hill Road, 2.4 miles west-northwest of Dover Plains, N.Y.

1565–C2–P–69—The Mountain States Telephone & Telegraph Co.; (KOP309); C.P. to add a second channel to operate on 152.81 MHz and replace the transmitter operating on 152.63 MHz located at 9.5 miles north of Missoula, Mont.

1566–C2–MP–69—Kidd's Communications, Inc.; (KMA257); Modification of C.P. to replace the control transmitter operating on 459.125 MHz. All other terms of the existing C.P. to remain unchanged.

1568–C2–P–68—Central Mobile Radio Phone Service; (KQC875); C.P. to add a second base channel to operate on frequency 152.21 MHz, located at 21 South Belmont Street, Springfield, Ohio.

1569–C2–P–69—L. J. Galentin, doing business as Contact of Texas; (KKD284); C.P. to add a second base channel to operate on frequency 152.06 MHz, located at Ranger Peak, Franklin Mountains, El Paso, Tex.

1585–C2–P–69—Joseph D. Nix doing business as Radio Telephone Service; (KIJ356); C.P. to relocate facilities at location No. 1 from Fulton National Bank Building, Marietta Street NW., at Forsyth Street, Atlanta, Ga., to: No. 2, Peachtree Street, Atlanta, Ga., operating on base frequency 152.15 MHz also replace transmitter for 152.15 MHz and change antenna system.

1588–C2–P–69—Martha M. Hahn, doing business as St. Cloud & Loop Answering Service; (New); C.P. for a new two-way station. Base frequency: 152.09 MHz. Location: St. Cloud Hospital, St. Cloud, Minn.

1589–C2–P–69—Robert S. Ditton; (KOF918); C.P. to relocate base facilities from 800 feet north of Devon and Ninth Streets NE., East Wenatchee, Wash., to 7 miles east of Wenatchee, Wash. operating on base frequency 152.03 MHz, establish Repeater facilities to operate on 459.15 MHz at above location and add a Control station at a site to be identified as location No. 2: 202 North Mission Street, Wenatchee, Wash. to operate on 454.15 MHz and change antenna system.

1628–C2–P–69—Polar Rural Telephone Mutual Aide Corp.; (KAH671); C.P. to relocate the facilities at location No. 1 from 4.5 miles west of Park River, N. Dak., to 2.5 miles northwest of Lankin, N. Dak., operating on base frequency 152.57 MHz and replace transmitter for same.

1629–C2–P–69—Polar Rural Telephone Mutual Alde Corp.; (KAH671); C.P. to replace transmitter operating on base frequency 152.69 MHz at location No. 2: 2.5 miles northwest of Lankin, N. Dak.

MAJOR AMENDMENT

187–C2–P–69—Calhoun Telephone Co.; (KQK774); Change base frequency from 152.54 MHz to 152.66 MHz at station located at Route No. 60, approximately 3 miles east of Homer, Mich. All other particulars are to remain as reported on public notice dated July 22, 1968, Report No. 397.

138–C2–P–69—Doctors' Exchange and Telephone Answering Service, Inc.; (KLB510); Change the frequency requested for the additional channel from 152.09 MHz to 152.12 MHz. All other particulars are to remain as reported on public notice dated July 22, 1968, Report No. 397.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentation, by reason of potential electrical interference and/or economic competition:

CALIFORNIA

Jack Loperena; (KMA261); File No. 5608–C2–O–68.
Jack Loperena; (KMA267); File No. 5603–C2–P–68.
Fresno Mobile Radio, Inc.; (KMA830); File No. 764–C2–P/ML–68.

RURAL RADIO SERVICE

1629–C1–P–69—Bruce Graham; (New); C.P. and license for a new rural subscriber station to be located approximately 31 miles northwest of Clayton, N. Mex., to operate on frequency 158.55 MHz. Subscriber: New Mexico State Highway Department.

1627–C1–P/L–69—Polar Rural Telephone Mutual Aid Corp.; (New); C.P. and license for a new Rural Subscriber station, to operate (6 Units) at temporary fixed location within territory of the grantee. Frequency 157.83 MHz.

INFORMATIVE

The Alaska Communication System; 550 Federal Office Building, Seattle, Wash.; has submitted a request for the following frequencies to provide a public toll telephone service at the locations noted.

454.45 MHz.; 60F9; 100 watts; U.S. Air Force, Prudhoe Bay, Alaska (70°19'24" N.–148°32'32" W.) to Oliktok, Alaska (70°31'00" N.–149°53'00" W.).

459.45 MHz.; 60F9; 100 watts; Oliktok, Alaska (70°31'00" N.–149°53'00" W.) to Prudhoe Bay, Alaska (70°19'24" N.–148°32'32" W.).

459.05 MHz.; 60F9; 2 watts; Oliktok, Alaska (70°31'00" N.–149°53'00" W.) to Sag River,

Alaska (70°15'17" N.–148°30'33" W.).

454.05 MHz.; 60F9; 2 watts; Sag River, Alaska (70°15'17" N.–148°30'33" W.) to Oliktok, Alaska (70°31'00" N.–149°53'00" W.).

The above proposals have been received in the Frequency Registration & Notification Branch of the Frequency Allocation & Treaty Division.

RURAL RADIO SERVICE

Renewals of Licenses expiring November 1, 1968. Term: November 1, 1968, to November 1, 1973.

Licensee	Call sign
Auto-Phone Dispatch of Levelland	KKB20
Bek Telephone Mutual Aid Corp	KAX40
The Bell Telephone Company of Pennsylvania.	KGH30
California-Pacific Utilities Co	KPZ58
Do	KPZ59
Do	KPZ60
Do	KYN33
Do	KYN34
Central Radio Dispatch, Inc	KKB28
Central Telephone Co	KPR57
Do	KPR58
Do	KPT35
Do	KPT36
Do	KYJ34
Do	KYJ35
Do	KYN94
Do	KNJ69
The Chesapeake & Potomac Telephone Company of Maryland.	KGN21
Coleman County Telephone Cooperative, Inc.	KTF20
The Diamond State Telephone Co	KGF90
Do	KGH86
E. Ritter Telephone Co	KKK42
Estacada Telephone & Telegraph Co.	KZI79
Do	KZS35
Federated Telephone Cooperative	KAU54
General Communications Service, Inc.	KQN86
General Telephone Company of the Northwest, Inc.	KCG58
Do	KCG59
Bruce Graham	KKB34
Do	KZA22
Do	KZA24
Do	KZA26
Do	KZA27
Do	KZA28
Do	KZA29
Do	KZA30
Kansas Telephone Co	KZA89
Karl's Radio Service Co	KVI21
Kentucky Telephone Co	KJF89
Do	KJF90
Do	KJF92
Do	KJF93
Lafourche Telephone Co., Inc	KLM96
Do	KLU29
Do	KLU93
Do	KLU94
Do	KZS89
Linn County Telephone Co	KPT92
L. C. McCall	KIA37
Do	KJB20
Do	KJK69
Mobile Radio System of San Jose, Inc.	KNK83
The Mountain States Telephone & Telegraph Co.	KAN87
Do	KAN88
Do	KAQ84
Do	KBH51
Do	KOE84
Do	KOU48
Do	KOU50
Do	KPC84
Do	KPC85
Do	KPC86
Do	KPQ39
Do	KPQ40
Do	KVD89
Do	KKT91
Do	KPV68
Do	KPV69
Do	KPW99
Do	KSV82
Do	KSV89
Do	KYN48
Do	KOU51
Do	KPG75
Do	KPH69
Do	KPI65
Do	KPI66
Do	KPK24
Do	KPL20
Do	KPL21
Do	KPN91
Do	KPQ20
Do	KPQ50
Do	KPQ51
Do	KPQ52
Do	KPT89
Do	KPV40
Do	KPV99
Do	KPX96
Do	KPX98
Do	KPY60
Do	KPY92
Do	KSV88
Do	KSV92
Do	KVI20
Do	KVU98
Do	KVU99
Do	KZA96
Do	KZS46
Do	KZS83
Muskogee Two-Way Dispatching	KLU51
Northwestern Bell Telephone Co	KAA99
Do	KAI86
Do	KAJ26
Do	KAK42
Do	KAL87
Do	KAX50
Do	KAX51
Do	KAX52
Do	KAY73
Do	KBC75
Do	KBC76
The Pacific Telephone & Telegraph Co.	KMN93
Do	KMN94
Do	KMN95
Do	KMN96
Do	KMX53
Do	KMX54
Do	KNK82
Do	KQO82
Do	KYN91
Do	KZI23
Piedmont Telephone Co	KIU63
Pioneer Telephone Assn., Inc	KBC91
R. C. S., Inc	KMU41
Radio Communications & Electronics Co.	KJK71
Radio Dispatch, Inc	KKK81
R. L. Mohr, d.b.a. Radiocall	KUS24
Radiofone	KLU32
Ranch Radio, Inc	KPP96
The S & T Telephone Cooperative Association.	KPF52
San Marcos Telephone Co., Inc	KKB24
Santa Cruz Telephone and Radio Service.	KNE69
Sierra Communications	KYC20
The Southern New England Telephone Co.	KCD26
Do	KCL70
Do	KCL71
Southwest Communications	KPI67
Southwestern Bell Telephone Co	KAL82
Do	KAO99
Do	KAP20
The Spartan Radiocasting Co	KIB99
Sweeny-Old Ocean Telephone Co	KKK52
Telephone Answering Exchange	KGN24
United Telephone Co	KSP22
Ute Communications	KAR80
Waco Communications, Inc	KKV99
Washington Telephone Company	KSQ50
West Virginia Telephone Co	KQL37
Western Communications Service	KKV22
Billie White	KLU50

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

1580–C1–P–69—General Telephone Company of the Southwest; (New); C.P. for a new fixed station. Frequencies: 6271.4 and 6390.0 MHz. Location: Corner of Fifth Street and Twichell Avenue, Littlefield, Tex.

1581–C1–P–69—General Telephone Company of the Southwest; (KKK94); C.P. to add frequencies 6019.3 and 6137.9 MHz toward Littlefield, Tex., at its station located 506 Avenue I, Levelland, Tex.

1582–C1–P/L–69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 5945.2 and 6063.8 MHz. Location: 4.5 miles northeast of Yselta, Tex. (Informative: These facilities were previously licensed to American Telephone & Telegraph Co. under Call Sign KLT32).

1583–C1–P/L–69—The Mountain States Telephone & Telegraph Co.; (New); C.P. and license for a new fixed station. Frequencies: 6197.2 and 6315.9 MHz. Location: 510 Texas Street, El Paso, Tex. (Informative: These facilities were previously licensed to American Telephone & Telegraph Co. under Call Sign KKX61).

1587–C1–MP–69—The Chesapeake and Potomac Telephone Company of West Virginia; (KYJ67); Modification of C.P. to change antenna location from 105 North Court Street, Lewisburg, W. Va. To: Maplewood Avenue North, Fairlea, W. Va., operating on frequencies 6071.2 and 11685 MHz.

American Telephone and Telegraph Co.; C.P.'s (48) to provide additional type TD–2 radio relay channels in various sections between New York, N.Y., and Chicago, Ill., via Grant Park, Ill. Also to provide additional type TD–2 radio relay channels between Grant Park and Grand Rapids, Mich.; Norway, Ill., and South Bend, Ind., via Grant Park; and Saranac and Lacey, Mich.

1639–C1–P–69—American Telephone and Telegraph Co.; (KEL79); Add 3930 MHz toward Monroe, N.Y., at station located 811 10th Avenue, New York, N.Y.

1640–C1–P–69—American Telephone and Telegraph Company; (KEL99); Add 3810 MHz toward New York, 7, N.Y., and 3890 MHz toward Monticello, N.Y., at station located 4 miles southwest of Monroe, N.Y.

1641–C1–P–69—American Telephone and Telegraph Company; (KEL98); Add 3850 MHz toward Monroe, N.Y., and 3930 MHz toward Long Eddy, N.Y., at station located 6.5 miles southeast of Monticello, N.Y.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

1642-C1-P-69—American Telephone and Telegraph Company; (KEL97); Add 3610 MHz toward Monticello, N.Y., and 3890 MHz toward Deposit, N.Y., at station located 2.5 miles north of Long Eddy, N.Y.

1643-C1-P-69—American Telephone and Telegraph Company; (KEL96); Add 3850 MHz toward Long Eddy, N.Y., at station located 5 miles north of Deposit, N.Y.

1644-C1-P-69—American Telephone and Telegraph Company; (KEE77); Add 4910 MHz toward New Berlin, N.Y., at station located 1.5 miles south of Cheningo, N.Y.

1645-C1-P-69—American Telephone and Telegraph Company; (KEE78); Add 3970 MHz toward Cheningo, N.Y., at station located 1 mile west of East Steamburg, N.Y.

1646-C1-P-69—American Telephone and Telegraph Company; (KEE79); Add 4019 MHz toward East Steamburg, N.Y., at station located 2.6 miles west-southwest of Bristol Center, N.Y.

1647-C1-P-69—American Telephone and Telegraph Company; (KEA57); Add 3890 MHz toward Bristol Center, N.Y., at station located 4 miles southeast of Geneseo, N.Y.

1648-C1-P-69—American Telephone and Telegraph Company; (KEE80); Add 3930 MHz toward Geneseo, N.Y., at station location 5.1 miles west of Warsaw, N.Y.

1649-C1-P-69—American Telephone and Telegraph Company; (KEE81); Add 3890 MHz toward Warsaw, N.Y., at station located 4.7 miles northwest of Springville, N.Y.

1650-C1-P-69—American Telephone and Telegraph Company; (KED49); Add 3939 MHz toward Springville, N.Y., and 3830 MHz toward Ripley, N.Y., at station located 0.5 mile northwest of Farnham, N.Y.

1651-C1-P-69—American Telephone and Telegraph Co.; (KED50); Add 3790 MHz toward Waterford, Pa., at station located 3 miles southeast of Ripley, N.Y.

1652-C1-P-69—American Telephone and Telegraph Co.; (KGF96); Add 3859 MHz toward Kingsville, Ohio, at station located 4 miles northwest of Waterford, Pa.

1653-C1-P-69—American Telephone and Telegraph Co.; (KQG64); Add 4050 MHz toward Lillyville, Pa., at station located 1.5 miles south of Lisbon, Ohio.

1654-C1-P-69—American Telephone and Telegraph Co.; (KQG65); Add 4090 MHz toward Lisbon, Ohio, at station located 3 miles northwest of Perrysville, Ohio.

1655-C1-P-69—American Telephone and Telegraph Co.; (KQG66); Add 4950 MHz toward Perrysville, Ohio, at station located 2 miles east of Ragersville, Ohio.

1656-C1-P-69—American Telephone and Telegraph Co.; (KQF49); Add 4990 MHz toward Ragersville, Ohio, at station located 2 miles southeast of Fredericksburg, Ohio.

1657-C1-P-69—American Telephone and Telegraph Co.; (KQF59); Add 4050 MHz toward Fredericksburg, Ohio, at station located 1 mile northeast of Polk, Ohio.

1658-C1-P-69—American Telephone and Telegraph Co.; (KQF51); Add 4099 MHz toward Polk, Ohio, at station located 2.5 miles east of North Fairfield, Ohio.

1659-C1-P-69—American Telephone and Telegraph Co.; (KQF53); Add 4050 MHz toward North Fairfield, Ohio, at station located 4 miles east of Republic, Ohio.

1660-C1-P-69—American Telephone and Telegraph Co.; (KQF52); Add 4990 MHz toward Republic, Ohio, at station located 3.5 miles north of Bascom, Ohio.

1661-C1-P-69—American Telephone and Telegraph Co.; (KQF54); Add 4059 MHz toward Bascom, Ohio, at station located 2.5 miles west of Rudolph, Ohio.

1662-C1-P-69—American Telephone and Telegraph Co.; (KQF57); Add 4090 MHz toward Rudolph, Ohio, at station located 1 mile west of Gerald, Ohio.

1663-C1-P-69—American Telephone and Telegraph Co.; (KQF58); Add 4050 MHz toward Gerald, Ohio, at station located 0.5 mile south of West Unity, Ohio.

1664-C1-P-69—American Telephone and Telegraph Co.; (KSG75); Add 4090 MHz toward West Unity, Ohio, at station located 1.75 miles southeast of Pleasant Lake, Ind.

1665-C1-P-69—American Telephone and Telegraph Co.; (KSG74); Add 4950 MHz toward Pleasant Lake, Ind., at its station located 2 miles southwest of Albion, Ind.

1666-C1-P-69—American Telephone and Telegraph Co.; (KSG73); Add 4090 MHz toward Albion, Ind., at its station located 4 miles northwest of Atwood, Ind.

1667-C1-P-69—American Telephone and Telegraph Co.; (KSG72); Add 4050 MHz toward Atwood, Ind., at station located 3.5 miles west of Culver, Ind.

1668-C1-P-69—American Telephone and Telegraph Co.; (KSG63); Add 4990 MHz toward Culver, Ind., at station located 0.5 mile south of Kouts, Ind.

1669-C1-P-69—American Telephone and Telegraph Co.; (KSG64); Add 4950 MHz toward Kouts, Ind., and 3690, 4050 MHz toward Wheatfield, Ind., at station located Grant Park, 4 miles northeast of Momence, Ill.

1670-C1-P-69—American Telephone and Telegraph Co.; (KSO70); Add 3770, 4170 MHz toward Grant Park, Ill., at station located 6.5 miles west of Manteno, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

1671-C1-P-69—American Telephone and Telegraph Co.; (KSG65); Add 3910 MHz toward Grant Park, Ill., at station located 3.6 miles southwest of Bonfield, Ill.

1672-C1-P-69—American Telephone and Telegraph Co.; (KSA81); Add 3910 MHz toward Bonfield, Ill., at station located 2.8 miles east-southeast of Norway, Ill.

1673-C1-P-69—American Telephone and Telegraph Co.; (KSO71); Add 3810 MHz toward Monteno, Ill., at station located 1.7 miles southwest of Tinley Park, Ill.

1674-C1-P-69—American Telephone and Telegraph Co.; (KSA36); Add 3850 MHz toward Tinley Park, Ill., at station located 85 West Congress Street, Chicago, Ill.

1675-C1-P-69—American Telephone and Telegraph Co.; (KSO84); Add 3939 MHz toward Grant Park, Ill., and 3930, 4990 MHz toward Monon, Ind., at station located 4 miles west of Wheatfield, Ind.

1676-C1-P-69—American Telephone and Telegraph Co.; (KSO62); Add 3890 MHz toward Wheatfield, Ind., and 3890, 3970 MHz toward Winamac, Ind., at station located 1.5 miles west of Monon, Ind.

1677-C1-P-69—American Telephone and Telegraph Co.; (KVI56); Add 3930, 4010 MHz toward Monon and Plymouth, Ind., at station located 2.5 miles northeast of Winamac, Ind.

1678-C1-P-69—American Telephone and Telegraph Co.; (KVI57); Add 3890, 3970 MHz toward Winamac and Mishawaka, Ind., at station located 2.4 miles south of Plymouth, Ind.

1679-C1-P-69—American Telephone and Telegraph Co.; (KSA43); Add 3930, 4919 MHz toward Plymouth, Ind.; 3770 MHz toward South Bend, Ind., and 4170 MHz toward Jones, Mich., at station located 1.2 miles southwest of Mishawaka, Ind.

1680-C1-P-69—American Telephone and Telegraph Co.; (KSI52); Add 3730 MHz toward Mishawaka, Ind., at station located 222 South Scott Street, South Bend, Ind.

1681-C1-P-69—American Telephone and Telegraph Co.; (KQD78); Add 3979 MHz toward Mishawaka, Ind., and 4150 MHz toward Kalamazoo, Mich., at station located 1.5 miles north of Jones, Mich.

1682-C1-P-69—American Telephone and Telegraph Co.; (KQD79); Add 3950 MHz toward Jones, Mich., and 4110 MHz toward Cutlerville, Mich., at station located 2.5 miles northwest of Kalamazoo, Mich.

1683-C1-P-69—American Telephone and Telegraph Co.; (KQD61); Add 3999 MHz toward Kalamazoo, Mich., and 4170 MHz toward Grand Rapids, Mich., at its station located 3.6 miles southeast of Byron Center, Mich.

1684-C1-P-69—American Telephone and Telegraph Co.; (KQH36); Add 3970 MHz toward Cutlerville, Mich., at its station located 7 Fountain Street, Grand Rapids, Mich.

1685-C1-P-69—American Telephone and Telegraph Co.; (KQH35); Add 4130 MHz toward Lacey, Mich., at station located 4 miles southeast of Saranac, Mich.

1686-C1-P-69—American Telephone and Telegraph Co.; (KQF61); Add 4170 MHz toward Saranac, Mich., at station located 0.2 mile south of Lacey, Mich.

MAJOR AMENDMENT

17-C1-P-69—Florida Telephone Corp.; (New); Correct coordinates lat. 29°08'00" N.-long. 61°34'39" W. to read lat. 29°09'90" N.-long. 61°34'15" W. See Major Amendment reported in public notice dated Sept. 9, 1968. All other particulars the same as reported in public notice dated July 15, 1968.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

1563-C1-P-69—Penn Service Microwave Co.; (New); C.P. for a new station to be located at Bald Eagle Mountain, 3 miles south of Williamsport, Pa. Frequencies: 11300, 11350, and 11409 MHz on azimuth 274°30'. (Informative: Applicant proposes to provide the TV signal of stations WNEW-TV, WOR-TV, and WPIX-TV, all in New York City, N.Y., to Charles TV Cable System in Avis, Pa.)

1632-C1-P-69—New York Penn Microwave Corp.; (KZA85); C.P. to add frequencies 5989.7 and 6049.0 MHz toward Kane, Pa., on azimuth 348°33'. (Informative: Applicant proposes to provide the TV signals of stations WPIX-TV and WOR-TV of New York City, N.Y., to Kane Cablevision Co., Inc., in Kane, Pa.)

1633-C1-P-69—Mountain Microwave Corp.; (New); C.P. for a new CATV station to be located at 0.5 mile southeast of Montevideo, Minn. Frequency 11135 MHz on azimuth 231°26' toward Lake Hendricks, S. Dak.

1634-C1-P-69—Mountain Microwave Corp.; (New); C.P. for a new CATV station to be located at Lake Hendricks, 5.5 miles east-northeast of White, S. Dak. Frequency 11625 MHz on azimuth 259°23' toward Lake Henry, S. Dak.

1635–C1–P–69—Mountain Microwave Corp.; (New); C.P. for a new CATV station to be located at Lake Henry, 5 miles south of De Smet, S. Dak. Frequency 11135 MHz, on azimuth 267°57′ toward existing station at Huron, S. Dak.

1636–C1–P–69—Mountain Microwave Corp.; (KZI53); C.P. to add frequency 11625 MHz toward existing station at Spring Lake, S. Dak. Azimuth 267°11′.

1637–C1–P–69—Mountain Microwave Corp.; (KZI52); C.P. to add frequency 11135 MHz toward existing receiving station at Redfield, S. Dak. Azimuth 31°47′. (Informative: Applicant proposes to provide the TV signals of station WTCN–TV of Minneapolis, Minn., to Midcontinent Broadcasting Co. in Huron and Redfield, S. Dak.)

[F.R. Doc. 68–12104; Filed, Oct. 3, 1968; 8:49 a.m.]

[Docket Nos. 18338, 18339; FCC 68–982]

INTEGRATED COMMON SYSTEMS, INC. OF MASSACHUSETTS (WREP)

Memorandum Opinion and Order Designating Applications for Hearing on Stated Issues

In re applications of Integrated Communication Systems, Inc. of Massachusetts (WREP), Boston, Mass.; Docket No. 18338, File No. BMPCT–6356, for extension of construction permit; and Docket No. 18339, File No. BMPCT–6886, for modification of construction permit.

1. The Commission has before it for consideration (a) the above-captioned application (BMPCT–6356) of Integrated Communication Systems, Inc. of Massachusetts (Integrated), permittee of Television Broadcast Station WREP, Channel 25, Boston, Mass., for an extension of time within which to complete construction; (b) the above-captioned application (BMPCT–6886) of Integrated for modification of construction permit to make changes in the facilities of Station WREP; and (c) "WREP(TV) Option Agreement," filed December 4, 1967, by Integrated, and various related agreements.[1]

2. On December 30, 1965, Integrated was granted a construction permit to operate on Channel 25, Boston, Mass. Subsequently, on August 12, 1966, Integrated filed an application (BMPCT–6356) for an extension of time within which to complete construction of Station WREP and indicated that it was considering a change in transmitter location and that if it decided to make such a change, an appropriate application would be filed with the Commission. The extension application was amended in February, 1967, to indicate that negotiations were being conducted with the Jamaicaway Development Co. concerning the possible location of Integrated's transmitter and tower atop the Jamaicaway Tower in Boston and that when a lease agreement had been concluded, an appropriate application would be filed for a change in transmitter site. The extension application was again amended in July, 1967, and a copy of an agreement was filed which gave Integrated an option to lease space on the Jamaicaway Tower for Integrated's transmitter and tower. The permittee also indicated that it had completed arrangements with the New England Merchants National Bank for a line of credit in the amount of $350,000. On December 6, 1967, an amendment was filed to the extension application which indicated that Integrated had exercised its option for a transmitter site and that the lease agreement and an application for modification of construction permit to specify a new site would be filed shortly.

3. On December 4, 1967, Integrated, pursuant to § 1.613 of the Commission's rules, filed with the Commission copies of an Option Agreement, Stock Purchase Agreement and Deposit Agreement under which Metromedia, Inc., paid the stockholders of Integrated $250,000 for an option to acquire all of the stock of Integrated. The agreement further provides that Metromedia, Inc., can exercise the option until 39 months after program test authority is granted to operate Station WREP. Metromedia, Inc., agreed to advance to Integrated, during the option period, a maximum amount of $750,000 to be used by Integrated for all normal business needs of Station WREP, of which sum no more than $250,000 is to be advanced before the Commission issues program test authority. Under the terms of the "WREP(TV) Stock Purchase Agreement", the total purchase price for Integrated's stock, under the option granted Metromedia, Inc., is $3,250,000 which amount includes the $250,000 paid by Metromedia, Inc., for the option.

4. On July 24, 1968, Integrated filed an application (BMPCT–6886) for modification of construction permit to change the station's transmitter and studio location, increase antenna height above average terrain and make other changes in the facilities of the station. The proposed transmitter site is approximately 73.5 miles from the transmitter site of Television Broadcast Station WHYN–TV, Channel 40, Springfield, Mass. Since §§ 73.610(d) and 73.698 of the rules require a minimum mileage separation of 75 miles, Integrated has requested waivers of these sections of the rules.

5. The Commission is of the view that the foregoing sequence of events and the terms of the agreements entered into with Metromedia, Inc., raise questions concerning (a) possible "trafficking" in the WREP construction permit; (b) unauthorized de facto transfer of control of the permittee; and (c) failure to provide the Commission with complete and accurate information as required by § 1.65 of the rules. A question is also raised as to whether a waiver of the Commission's mileage separation requirements would be in the public interest. We believe that an evidentiary hearing is necessary in order to resolve these questions.

6. With respect to the question of whether Integrated has engaged or is engaging in "trafficking" in the construction permit for WREP, we note that under the terms of the option agreement, the stockholders of Integrated received $250,000 from Metromedia, Inc., as a result of having granted Metromedia, Inc., an option to purchase all of the stock of Integrated for $3,250,000 within a 39-month period after program test authority is granted by the Commission. There is no indication in the information before us that the $250,000 bears any relationship to monies expended by such stockhholders or to obligations incurred by them for which monies must be subsequently expended. Nor is there any indication that the $3,250,000 bears any relationship to monies expended or proposed to be expended by Integrated's stockhholders. These facts raise a question as to whether Integrated's stockholders engaged in "trafficking". A question is also raised as to whether Integrated acquired the construction permit for channel 25 solely for the purpose of disposing of the station at a financial advantage to itself, after having built and operated the station for the minimum period of time allowed by the law, which is one 3-year license period.

7. The question of whether there has been a transfer of de facto control of Station WREP without Commission consent arises from an examination of the provisions of the option agreement and the stock purchase agreement. In this connection, we shall briefly allude to several provisions which appear to limit Integrated's ability to exercise control over the operations of the station. For example, in section 6(b) of the option agreement, provision is made that in the event that Metromedia, Inc., decides to terminate the option agreement as a result of a breach of the agreement by Integrated, the latter has agreed that it shall not file any application for the affirmative or negative transfer of control of the station or for an assignment of the construction permit until a 3-year period has elapsed from the date of certain payments to be made by Integrated to Metromedia, Inc. In addition, under the provisions of section 3.04 of the Stock Purchase Agreement, Integrated has agreed that it will not, without the written consent of Metromedia, Inc., cause the surrender, revocation or cancellation of any authorization issued by the Commission for the station; that it will not employ any person at an annual salary in excess of $35,000 or increase the pay of any employee of the station by an amount in excess of $5,000 in any 1 year; and that it will not incur any obligations or liabilities which would continue from more than 1 year after the date of closing pursuant to an exercise of the option agreement or which would commit Integrated to an expenditure of more than $50,000. Under these circumstances, and in view of several other provisions contained in the option agreement and stock purchase agreement

[1] The Commission also has before it for consideration: (a) "WREP(TV) Stock Purchase Agreement", filed Dec. 4, 1967, by Integrated and (b) "WREP(TV) Deposit Agreement", filed Dec. 4, 1967, by Integrated.

which appear to limit Integrated's exercise of control over Station WREP, we believe than an issue concerning a possible de facto transfer of control should be specified.

8. It also appears that Integrated has failed to comply with the requirements of § 1.65 of the rules to advise the Commission of substantial and significant changes in information concerning its intentions with respect to the construction and operation of Station WREP. The various agreements with Metromedia referred to above were filed with the Commission on December 4, 1967, at a time when Integrated had pending before the Commission an application (BMPCT–6356) for an extension of time within which to complete construction. Although the provisions of § 1.65 required Integrated to amend its then pending extension application in order to inform the Commission of the substantial changes in its plans for the construction and future operation of the station, no such amendment has ever been filed.

9. Finally, as we have already indicated, Integrated presently has pending before the Commission an application (BMPCT–6886) for modification of construction permit to make certain changes in the facilities of Station WREP, including a change in transmitter location which would necessitate a waiver of the Commission's mileage separation requirements. Since we have already indicated that an evidentiary hearing will be necessary on other grounds, we shall include an appropriate issue concerning whether Integrated's request for waiver of §§ 73.610(d) and 73.698 of the rules would serve the public interest, convenience, and necessity.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Integrated Communication Systems, Inc., of Massachusetts are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, in view of the provisions of the "WREP(TV) Option Agreement," the "WREP(TV) Stock Purchase Agreement" and the "WREP(TV) Deposit Agreement," whether there has been a transfer of control of the permittee corporation without the prior consent of the Commission.

2. To determine whether Integrated has engaged in "trafficking" in the authorization for Station WREP.

3. To determine whether Integrated has violated the provisions of § 1.65 of the Commission's rules.

4. In the event that it is determined that there has been a transfer of control without prior consent of the Commission or "trafficking" in the Station WREP authorization or a violation of the provisions of § 1.65 of the Commission's rules, whether the applicant or its principals have the requisite qualifications to be broadcast licensees.

5. To determine whether circumstances exist which would warrant a waiver of §§ 73.610(d) and 73.698 of the Commission's rules.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the applications would serve the public interest, convenience and necessity.

It is further ordered, That, upon the Commission on motion, Metromedia, Inc., is made a party to this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and Metromedia, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 25, 1968.

Released: October 1, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–12106; Filed, Oct. 3, 1968; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND KOPPEL BULK TERMINAL

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 7 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Leslie E. Still, Jr., Deputy City Attorney, City of Long Beach, Suite 600, City Hall, Long Beach, Calif. 90802.

Agreement No. T–2208 between the Board of Harbor Commissioners of the City of Long Beach (City) and Koppel Bulk Terminal (Koppel) is a revocable permit granting Koppel use of a land area in the city's Harbor District. Rental is $28 per month and the permit is revocable by either party on 30 days' written notice to the other party.

The premises are to be used by Koppel as a site for the construction and operation of a hopper car unloading pit to be used in the unloading and conveyance of bulk commodities from rail cars to the adjacent grain elevator. The grain elevator is leased to Koppel by the City under the terms of FMC Agreement No. T–1942, approved January 4, 1968. The property covered by this permit is adjacent to that covered in Agreement T–1942, and the operations to be conducted on this additional property are closely related to those of the grain elevator.

Dated: October 1, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–12114; Filed, Oct. 3, 1968; 8:50 a.m.]

SOUTH ATLANTIC AND CARIBBEAN LINES, INC., AND EMPACADORA DEL NORTE, S.A.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement refiled for approval by:

Mr. Gerald A. Malia, Ragan & Mason, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

[2] Commissioners Bartley and Johnson absent.

Notice of the filing of Agreement No. 9741, between South Atlantic and Caribbean Lines, Inc. and Empacadora Del Norte, S.A., establishing a through billing arrangement for the movement of frozen meats and frozen seafood between ports in Central America and the port of Miami, Fla., with transshipment at San Juan, P.R. was published in the FEDERAL REGISTER on September 7, 1968 in Volume 33–175 at page 12761. The subject agreement has been revised to change the commodities covered thereby to fresh and frozen meats and frozen fish and to change the scope to apply from ports in Central America to Miami and Jacksonville, Fla., with transshipment at San Juan, P.R.

Dated: October 1, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–12115; Filed, Oct. 3, 1968; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69–78]

CARNEGIE NATURAL GAS CO. AND CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

SEPTEMBER 27, 1968.

Take notice that on September 18, 1968, Carnegie Natural Gas Co. (Carnegie), 3904 Main Street, Munhall, Pa. 15121, and Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, W. Va. 26301, Applicants, filed in Docket No. CP69–78 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas and the construction and operation of certain metering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicants seek authorization for an exchange of natural gas whereby gas formerly sold by Carnegie to Consolidated in Calhoun and Gilmer Counties, W. Va., will be exchanged for gas which Consolidated will purchase from local producers in Doddridge County, W. Va., and deliver to Carnegie through existing facilities. The gas to be delivered to Carnegie by Consolidated will be purchased under four contracts acquired by Consolidated from Delaware Gas Co. (Delaware). The wells covered by these contracts are presently connected to Carnegie's pipeline facilities. Applicants state that a small excess of deliveries by Consolidated to Carnegie (659 Mcf per month) will be returned by Carnegie to Consolidated through metering facilities and connecting pipe which Consolidated will construct and operate in Doddridge County, W. Va.

Total estimated cost of the proposed facilities is $1,852, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 25, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–12042; Filed, Oct. 3, 1968; 8:45 a.m.]

[Docket No. CP69–76]

CHANDELEUR PIPE LINE CO.

Notice of Application

SEPTEMBER 27, 1968.

Take notice that on September 18, 1968, Chandeleur Pipe Line Co.[1] (Applicant), Starks Building, Fourth and Walnut Streets, Louisville, Ky. 40201, filed in Docket No. CP69–76 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 80 miles of 16-inch pipeline to completely loop its presently existing 12-inch pipeline extending from the Main Pass Block 41 Field, offshore Louisiana to the Refinery-Chemical Plant complex of its affiliate Standard Oil Co., incorporated in Kentucky (Kyso). Applicant also requests authority to transport Kyso's increased requirements of natural gas which are estimated to become approximately 161,000 Mcf per average calendar day and 190,000 Mcf on a peak day by the year 1972. Applicant states that it will continue to transport 12,000 to 15,000 Mcf per day for Mississippi Power Co. for use in its turbine electric generation facilities located at Kyso's Pascagoula Refinery-Chemical Plant complex.

The application states that the proposed facilities and service are required because Kyso's chemical production is currently curtailed due to a lack of natural gas for chemical plant feed as a result of the physical limitation of Applicant's existing facilities. The application states further that Kyso is doubling the design crude oil refining capacity of its Pascagoula Refinery from 100,000 to 200,000 barrels per day and that the expansion is scheduled to be completed in January, 1971. The Applicant states that the increase in refining capacity results in an increase in demand for natural gas for use in process furnaces and gas turbines for hydrogen plant feed.

The total estimated cost of the proposed facilities is $9,200,000, which cost is to be financed by a $2 million capital contribution to be made by Chandeleur's parent, Standard Oil Company of California, and by $7,200,000 long term borrowing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 25, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–12043; Filed, Oct. 3, 1968; 8:45 a.m.]

[Docket No. CP67–340, etc.]

CITIES SERVICE GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheet, Consolidating Proceedings, and Permitting Interventions

SEPTEMBER 27, 1968.

Cities Service Gas Co. (Cities) on August 28, 1968, filed a proposed change in its presently effective FPC Gas Tariff, Second Revised Volume No. 1.[1] The filing proposes to change Cities' lateral line policy from a contribution to a policy of no contribution. On September 20, 1968, several cities filed a joint "petition to suspend tariff filing and to set down for hearing". The cities are the section 7(a)

[1] Proposed Fourth Revised Sheet No. 37.

applicants in Docket No. CP68–227 (Bourbon, Mo., et al.), Docket No. CP67–385 (Cabool, Mo., et al.), and Docket No. CP69–75 (Plattsburg, Mo.). Docket Nos. CP68–227 and CP 67–385 have been consolidated with Cities' certificate application proceeding in Docket No. CP67–340. Petitioners state that they and Cities have relied on the contribution policy in presenting their cases in Docket No. CP67–340 et al. They also allege that the change in policy constitutes undue discrimination between Cities' present customers and its future customers. The petitioners move that Cities' change in lateral line policy be suspended and the suspension proceeding consolidated with Docket No. CP67–340 et al. They also ask that the City of Plattsburg be allowed to participate in the consolidated proceeding with regard to the lateral line issue.

On July 8, 1968, the Commission issued Order No. 365, Statement of Lateral Line Policy, in rate schedules filed by natural gas pipeline companies, Docket No. R–330. That order amended the Commission's Regulations Under the Natural Gas Act to require that pipeline tariffs contain an explicit statement in measurable quantitative terms of the company's lateral line contribution policy or an express statement that the company would not contribute to the building of lateral lines to resale customers. Compliance filings were required no later than September 6, 1968. Order No. 365 did not require or automatically approve changes in lateral line policies that were already explicit in pipeline tariffs.

The proposed change in tariff has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the lateral line policy contained in Cities' FPC Gas Tariff, as proposed to be amended, and that the proposed tariff sheet listed above be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that this proceeding be consolidated with the proceeding in Docket No. CP67–340 et al. and that the city of Plattsburg, Mo., be allowed to participate in the consolidated proceedings concerning the issue of lateral policy.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held concerning the lawfulness of the lateral line policy contained in Cities' FPC Gas Tariff, as proposed to be amended. The hearing shall be in consolidation with the proceedings in Docket No. CP67–340 et al.

(B) Pending hearing and decision thereon, Cities' proposed revised tariff sheet listed above is hereby suspended and the use thereof deferred until September 29, 1968, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) The above named petitioners are hereby permitted to intervene in the present suspension proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petition: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding. City of Plattsburg, Mo., not now an intervenor in the consolidated proceedings in Docket Nos. CP67–340 et al., will be allowed to participate in the consolidated proceedings for the limited purpose of the lateral line policy issue.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–12045; Filed, Oct. 3, 1968; 8:45 a.m.]

[Docket No. CP69–75]

CITY OF PLATTSBURG, MO., AND CITIES SERVICE GAS CO.

Notice of Application

SEPTEMBER 27, 1968.

Take notice that on September 18, 1968, the city of Plattsburg, Mo. (Applicant) filed in Docket No. CP69–75 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its transmission facilities with the existing distribution system of Applicant and to sell and deliver to Applicant natural gas for resale and distribution in Plattsburg and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it presently has in operation a natural gas distribution system for which sources of natural gas have become depleted. Therefore, Applicant requests that the Commission order Respondent to establish physical connection of its transmission facilities with Applicant's distribution system and to supply all of Applicant's natural gas requirements for resale and distribution.

The estimated third year peak day and annual requirements of Applicant's system are 1,075 Mcf and 140,000 Mcf, respectively, at 14.73 p.s.i.a.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 25, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–12046; Filed, Oct. 3, 1968; 8:45 a.m.]

[Docket No. CP67–51]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

SEPTEMBER 27, 1968.

Take notice that on September 18, 1968, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP67–51 a petition to amend the order issued in said docket on December 13, 1966 (36 FPC 1033), as amended, by authorizing the continued sale and delivery of up to 100,000 Mcf of natural gas to Pacific Gas and Electric Co. (PG&E), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued August 28, 1967, amending the aforementioned order of December 13, 1966, Petitioner was authorized to sell and deliver to PG&E, under its Rate Schedule G–X–2, FPC Gas Tariff, Original Volume No. 1, an average daily quantity of 100,000 Mcf for a period continuing until commencement of the additional firm deliveries pending in Docket No. CP67–217 or October 31, 1968, whichever first occurred.

Specifically, Petitioner requests, pending the outcome of the consolidated proceedings in Docket No. CP67–187 et al., that the aforementioned order of December 13, 1966, as amended, be further amended so as to authorize the continuance of the sale and delivery, on an interruptible, best efforts basis, of an average daily quantity of 100,000 Mcf of natural gas to PG&E for the limited period commencing November 1, 1968, and continuing until the earlier of May 1, 1969, or the effective date, as designated by the Commission, pursuant to the aforementioned G–X–2 service.

Petitioner states that the proposed deliveries will be made by use of existing facilities and that the deliveries will not exceed an average daily quantity of 100,000 Mcf during the limited period.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 25, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–12047; Filed, Oct. 3, 1968; 8:45 a.m.]

[Docket No. RP69–5]

NORTHERN NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing Hearing Procedures

SEPTEMBER 26, 1968.

Northern Natural Gas Co. (Northern) on August 27, 1968, filed proposed changes in its presently effective FPC Gas Tariff, Second Revised Volume No. 1.[1] The changes, reflected in rate schedule TESS–1 (hereinafter referred to as TESS rate), constitute promotional rates, different from the various rates and charges now contained in its FPC Gas Tariff. The rates are proposed to help Northern's resale customers attract eligible Total Energy and Prime Mover consumers as purchasers of firm gas.

The new schedule states the TESS rate for each of Northern's rate zones and also provides that the promotional rate shall be available for gas resold to Total Energy and Prime Mover consumers for terms not exceeding 5 years, up to an annual aggregate sales volume for all TESS consumers of 9 million Mcf in the fifth year of the rate schedule. The rates are designed to equate to a 75 percent load factor of the contract demand rates that have been suspended in Docket No. RP69–1. The rate schedule also provides for a minimum annual bill equal to the rate times 51 percent of the annual contract volume. In effect, the proposed rates benefit potential consumers who purchase at less than a 75 percent load factor but more than a 51 percent load factor. Northern states in its filing that it intends to make changes in its TESS rates commensurate with any final Commission order in Docket No. RP69–1 in order to maintain the rates at a 75 percent load factor equivalent of its contract demand rates. Northern also states that a service agreement between Northern and its resale customers covering each consumer under TESS will be filed prior to the time service is initiated and that Northern will apply for all requisite certificate authority prior to the sale of any gas under the rate schedule.

The Public Service Commission of Wisconsin and certain petitioners to intervene have filed favorable comments about the proposed promotional rates. However, Iron Ranges Natural Gas Co., Iowa Power and Light Co., and Iowa Southern Utilities Co. have filed petitions to intervene, questioning some or all of the provisions in the TESS rate schedule.

The proposed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

Northern requests waiver of the requirements of § 154.63 and of other regulations under the Natural Gas Act to the extent Northern's filing may not contain some submittals usually required by those regulations. We shall grant Northern's motion for waiver, recognizing that some filing requirements are inappropriate to the rate proposal in this proceeding. However, our granting waiver is without prejudice to any appropriate motions in this proceeding concerning discovery, the presentation of evidence, the calling of witnesses, etc.

While the rate levels in the TESS rate schedule will be affected, according to Northern's proposal, by the outcome of the proceeding in Docket No. RP69–1, the various comments in the petitions to intervene make it appear appropriate that a separate proceeding now be held concerning the TESS rate schedule and its promotional terms and provisions.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Northern's FPC gas tariff, as proposed to be amended by inclusion of Rate Schedule TESS–1, and that the proposed tariff sheets listed above be suspended, and the use thereof be deferred as herein provided.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public prehearing conference shall be held commencing November 6, 1968, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications and services contained in Northern's FPC gas tariff, as proposed to be amended by inclusion of Rate Schedule TESS–1.

(B) Pending hearing and decision thereon, Northern's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until September 28, 1968, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Presiding Examiner Ewing Simpson, or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the prehearing conference and hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–12048; Filed, Oct. 3, 1968; 8:45 a.m.]

[1] Proposed Tariff Sheets: Original Sheet Nos. 62, 63, 64, 65, 65–a, 136–a, and 153–a; First Revised Sheet Nos. 1, 14, 20, 26, 32, 38, 44, 152, and 153; Second Revised Sheet No. 151; and Fourth Revised Sheet No 2.

[Docket No. CP69–80]

SECRETARY OF THE ARMY AND CITIES SERVICE GAS CO.

Notice of Application

SEPTEMBER 27, 1968.

Take notice that on September 20, 1968, the Secretary of the Army (Applicant), c/o Chief, Regulatory Law Division, Office of The Judge Advocate General, Department of the Army, Washington, D.C. 20310, filed in Docket No. CP69–80 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to establish physical connection of its facilities with the existing and proposed distribution facilities to be constructed by the Applicant at Fort Leonard Wood, Mo., and environs, and to sell and deliver natural gas in interstate commerce to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated third year annual and peak day natural gas requirements are 3,117,446 Mcf and 23,396 Mcf, respectively.

The total estimated cost of Applicant's proposed facilities is $3,214,939, which cost is to be financed by Congressional appropriations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 25, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–12044; Filed, Oct. 3, 1968; 8:45 a.m.]

[Docket No. CP67–131]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

SEPTEMBER 27, 1968.

Take notice that on September 23, 1968, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67–131 a petition to amend the order issued in the said docket on January 13, 1967, by authorizing the extension of the period within which Petitioner may make the sales authorized thereunder, all as more fully set forth in the petition to amend which is on file with the commission and open to public inspection.

By the aforementioned order of January 13, 1967, Petitioner was authorized to operate an existing tap valve on its transmission line in Parmer County, Tex., and to make a sale of surplus gas on an interruptible basis to Pioneer Natural Gas Co. for resale. The authorization was to expire September 30, 1968. Petitioner now requests that the authorization be extended until September 30, 1970, with the service to be rendered under Petitioner's Rate Schedule E–1.

Petitioner states that no additional facilities are required to perform the service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before October 25, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-12049; Filed, Oct. 3, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

EXCHANGE BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(1)), by Exchange Bancorporation, Inc., Tampa, Fla., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks: The Exchange National Bank of Tampa, Tampa, Fla.; The Exchange Bank of Temple Terrace, Temple Terrace, Fla.; and Exchange National Bank of Winter Haven, Winter Haven, Fla., and 60 percent or more of the voting shares of Gulf-to-Bay Bank & Trust Co., Clearwater, Fla.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 26th day of September 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-12060; Filed, Oct. 3, 1968; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

MINNESOTA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Minnesota, dated August 19, 1968, and published August 24, 1968 (33 F.R. 12072), is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 15, 1968:

Faribault.

Dated: September 27, 1968.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 68-12050; Filed, Oct. 3, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4678]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Issue and Sale of Notes to Banks

SEPTEMBER 30, 1968.

Notice is hereby given that Michigan Consolidated Gas Co. ("Michigan"), 1 Woodward Avenue, Detroit, Mich. 48226, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan proposes to issue and sell, from time to time commencing in October 1968 and in varying amounts as funds are required, its unsecured promissory notes in an aggregate face amount not exceeding $20 million outstanding at any one time to the following banks in the respective amounts shown:

First National City Bank, New York, N.Y.	$5,000,000
National Bank of Detroit, Mich.	8,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	2,000,000
The Chase Manhattan Bank, New York, N.Y.	2,000,000
Manufacturers National Bank of Detroit, Mich.	1,500,000
The Detroit Bank & Trust Co., Detroit, Mich.	1,500,000
Total	20,000,000

Each note will be dated as of the date of issue, will mature February 27, 1970, and will bear interest at the prime rate in effect at First National City Bank, New York, N.Y., on the date of each borrowing, which interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty. Michigan proposes to use the proceeds from the sale of the proposed notes to finance, in part, 1968 and 1969 construction costs. The 1968 construction program is estimated at $42 million.

Fees and expenses incident to the proposed transactions are estimated at $1,000, including legal fees of $500. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than October 24, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-12072; Filed, Oct. 3, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 25, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41452—*Newsprint paper from Nixon, Ga.* Filed by O. W. South, Jr., Agent (No. A6051), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Nixon, Ga., to Fort Lauderdale and Miami, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 15 to Southern Freight Association, agent, tariff ICC S–780.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12078; Filed, Oct. 3, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 30, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41455—*Carbon furnace or electrolytic bath electrodes and carbon plugs from Morganton, N.C.* Filed by O. W. South, Jr., agent (No. A6055), for and on behalf of interested rail carriers. Rates on carbon furnace or electrolytic bath electrodes and carbon plugs, in carloads, minimum weight 140,000 pounds, from Morganton, N.C., to Cincinnati, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 126 to Southern Freight Association, agent, tariff ICC S–517.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41456—*Increased passenger fares—Chicago, Burlington & Quincy Railroad Co., et al.* Filed by H. B. Siddall, agent (No. 14), for and on behalf of interested rail carriers. This is in relation to the transportation of passengers, between points within Western Railroad Passenger Association territory and between points in this territory, on the one hand, and points in the United States, on the other.

Grounds for relief—Establishment of increased fares by applicant carriers and maintenance of depressed joint through fares.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12079; Filed, Oct. 3, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 1, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41457—*Beet pulp to southern gulf ports for export.* Filed by Southwestern Freight Bureau, agent (No. B–9116), for interested rail carriers. Rates on beet pulp, sweetened or not sweetened, in pellet form, in bulk or in bags, in box cars, or in bulk, in covered hopper cars, in carloads, from points in Arkansas, Colorado, Iowa, Kansas, Missouri (including East St. Louis, Ill.), Nebraska, Oklahoma, Texas, and Wyoming to Gulf Ports, Pensacola, Fla., to Corpus Christi, Tex., for export.

Grounds for relief—Truck-barge competition.

Tariffs—Supplement 46 to The Atchison, Topeka and Santa Fe Railway Co., tariff ICC 15044, and eight other schedules named in the application.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12080; Filed, Oct. 3, 1968; 8:47 a.m.]

[Notice 701]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 30, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 97726 (Sub-No. 8 TA), filed September 25, 1968. Applicant: AAA MOTOR LINES, INC., Post Office Box 1328, 1205 Reeves Street, Dothan, Ala. 36301. Applicant's representative: William Addams, Room 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment); (1) between the plantsite of the Welsh Co. of the South at Union Springs, Ala., and the intersection of U.S. Highways 82 and 231 over U.S. Highway 82; and between Union Springs, Ala., and Eufaula, Ala., over U.S. Highways 82 and 431; Applicant now has authority to operate between Montgomery and Dothan, Ala., over U.S. Highway 231, serving all intermediate points; (U.S. Highway 82 intersects U.S. Highway 231 at an intermediate point between Montgomery and Dothan); Applicant now has authority to serve Eufaula, and will tack there and at the junction of U.S. Highways 82 and 231. Applicant now has authority to operate through Union Springs for operating convenience only. This application seeks authority to serve Union Springs as an intermediate point; (2) between Troy, Ala., and Union Springs, Ala., over U.S. Highway 29 for operating convenience only. (Troy is an intermediate point between Montgomery and Dothan on U.S. Highway 231), for 180 days. NOTE: Applicant intends to tack at Troy. Will tack at junction U.S. Highways 82 and 231, and at Eufaula and Troy, Ala., and will interline traffic at Birmingham, Dothan, and Montgomery and Andalusia. Supporting shipper: Welsh Co., 1535 South 8th Street, St. Louis, Mo. 63104. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 105063 (Sub-No. 3 TA), filed September 25, 1968. Applicant: W. H. TAYLOR, 2301 Southwest Hazel Road, Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Ground limestone,* in bulk, between points in Cowlitz, Grays Harbor, Klickitat, Lewis, Pacific, Skamania, Wahkiakum, and Clark Counties, Wash., restricted to traffic having a prior or subsequent movement in interstate commerce; and (2) *ground limestone,* in bulk or in sacks, from Lake Oswego, Oreg., to points in Klickitat and Lewis Counties, Wash., for 180 days. Supporting shipper: Oregon Portland Cement Co., 111 Southeast Madison, Portland, Oreg. 97214. Send protests to: A. E.

Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 107403 (Sub-No. 760 TA), filed September 25, 1968. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fluorinated hydrocarbons,* in bulk, in tank vehicles, from Baton Rouge, La., to Cornhusker Army Ammunition Plant, at or near Grand Island, Nebr., for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 113535 (Sub-No. 6 TA), filed September 25, 1968. Applicant: A & W TRUCKING CO., INC., Box 370, Rural Route 2, Mosinee, Wis. 54455. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses,* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from St. Paul, Minn., to points in St. Croix, Barron, Dunn, Pepin, Chippewa, Clark, and Marathon Counties, Wis., for 180 days. Supporting shipper: John Morrell & Co., Post Office Box 1266, Sioux Falls, S. Dak. 57101. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 115322 (Sub-No. 57 TA), filed September 26, 1968. Applicant: REDWING REFRIGERATED, INC., 2939 Orlando Drive, Post Office Box 1698, Sanford, Fla. 32771. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen potato products,* from Presque Isle, Maine, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Potato Service, Inc., Presque Isle, Maine. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 116254 (Sub-No. 84 TA), filed September 25, 1968. Applicant: CHEMHAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35650. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphatic fertilizer solutions,* in bulk, from the plantsite of Freeport Chemical Co., Division of Freeport Sulphur Co. at or near Uncle Sam, St. James Parish, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, on and south of U.S. Highway 50, including East St. Louis, Kentucky, Louisiana, Mississippi, Missouri, on and south of the Missouri River, Oklahoma, Tennessee, and Texas, for 180 days. NOTE: Applicant does not intend to tack or interline. Supporting shipper: Freeport Sulphur Co., 161 East 42d Street, New York, N.Y. 10017. Send protests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 125140 (Sub-No. 6 TA), filed September 26, 1968. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dairy products,* from Chippewa Falls, Wis., to points in Michigan on and south of U.S. Highway 10, for 180 days. Supporting shipper: Bowman Dairy Sales Co., Franklin Park, Ill. 60131. Send protests to: District Supervisor A. E. Rather, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125521 (Sub-No. 8 TA), filed September 26, 1968. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, Ohio 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from Rochester, N.Y., to Fostoria, Ohio, and, *empty containers or such other incidental facilities used in transporting the above commodity,* from Fostoria, Ohio, to Rochester, N.Y., for 150 days. Supporting shipper: Hanson Distributing Co., 437 South Poplar Street, Fostoria, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 133175 (Sub-No. 1 TA), filed September 25, 1968. Applicant: METALS TRANSPORT CO., 1140 Poland Avenue, Youngstown, Ohio 44502. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Steel buildings, building sections, panels, materials, parts, and accessories,* from Niles and Youngstown, Ohio, to St. Louis, Mo., and points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, for 180 days. Supporting shipper: Republic Steel Corp., Manufacturing Division, Youngstown, Ohio 44505. Send protests to: District Supervisor G. J. Baccie, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 133181 (Sub-No. 1 TA), filed September 26, 1968. Applicant: CARLOS M. HOPE ELECTRIC CO., INC., 2352 Northeast 18th Terrace, Gainesville, Fla. 32601. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies,* between Gainesville, Fla., and points in Alachua, Union, Columbia, Gilchrist, Levy, Lafayette, Dixie, Suwannee, Taylor, Madison, Putnam, Bradford, Marion, Hamilton, Clay, and Jefferson Counties, Fla., for 180 days. Supporting shipper: Western Electric Co., Inc., 3300 Lexington Road, Winston-Salem, N.C. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-12081; Filed, Oct. 3, 1968; 8:48 a.m.]

[Notice 702]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 1, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 99213 (Sub-No. 10 TA), filed September 26, 1968. Applicant: VIRGINIA FREIGHT LINES, School Street, Kilmarnock, Va. 22482. Applicant's representative: John C. Goddin, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wooden pallets and lumber,* from plantsites of Hammack

Lumber Co., Inc., at or near Farnham and Lively, Va., and plantsite of F & K Lumber Corp., at or near Callao, Va., to points in the States of Delaware, Maryland (except Baltimore), New Jersey, New York, Ohio, and Pennsylvania, for 150 days. Supporting shippers: Hammack Lumber Co., Inc., Emmerton, Va.; F & K Lumber Corp., Callao, Va. 22435. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 103490 (Sub-No. 61 TA), filed September 27, 1968. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Masonry cement,* in bags, from Rosendale, N.Y., to Honesdale, Lake Ariel, Pittston, and Scranton, Pa., for 150 days. Supporting shipper: Century Cement Sales Co., Inc., Freeport, N.Y. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 109435 (Sub–No. 56 TA), filed September 27, 1968. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Drawer J, Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Urea, ammonium nitrate, fertilizer, and fertilizer materials,* in bulk, in pneumatic or self-unloading vehicles, from Tulsa and Pryor, Okla., and points within 10 miles thereof, to points within 10 miles thereof, to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Texas, for 180 days. Supporting shippers: Nipak, Inc., R. E. Quint, Supervisor of Traffic, 301 South Harwood Street, Post Office Box 2820, Dallas, Tex. 75221; Cherokee Nitrogen Co., D. T. Sjoquist, Traffc Manager, Post Office Box 429, Pryor, Okla. 74361. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 114364 (Sub–No. 181 TA), filed September 27, 1968. Applicant: WRIGHT MOTOR LINES, INC,, Post Office Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in packages and containers, from Smiths Bluff, Tex., to points in Minnesota, Wisconsin, North Dakota, South Dakota, Illinois, Iowa, and the Upper Peninsula of Michigan, for 180 days. Supporting shipper: Pure Oil Division of Union Oil Company of California, 200 East Golf Road, Palatin, Ill. 60067 (W. H. Kees, Traffic Manager). Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 119619 (Sub-No. 11 TA) (Correction), filed September 16, 1968, published FEDERAL REGISTER, issue of September 13, 1968, and republished as corrected this issue. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: A. J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* except in bulk, from Chicago, Ill., to points in Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, and Washington, D.C., for 150 days. NOTE: The purpose of this republication is to correct the sub-number assigned to this case in lieu of Sub-No. 77, which was in error. Supporting shipper: Armour and Co., 401 North Wabash Avenue, Chicago, Ill. Mail: Box 9222, Chicago, Ill. 60690. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133074 (Sub-No. 2 TA), filed September 26, 1968. Applicant: A. N. WEBBER, Chebanse, Ill. 60922. Applicant's representative: Paul J. Maguire, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Motor Carrier Case 61 M.C.C. 209, Appendix V Group III, from the plantsites of Jones & McKnight, Inc., at Bradley and Indian Oaks, Ill., to road or building construction sites at points in Indiana, for 180 days. Supporting shipper: Jones & McKnight, Inc., Bradley, Ill. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133184 TA, filed September 26, 1968. Applicant: SPRINGFIELD AIRPORT LIMOUSINE, INC., 1936 Gretna, Springfield, Mo. 65804. Applicant's representative: Louis W. Cowan, Woodruff Building, 331 St. Louis Street, Springfield, Mo. 65806. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between all points within 75 miles of Springfield, Mo., including Springfield, on the one hand, and the Kansas City Municipal Airport, Kansas City International Airport, and Fairfax Municipal Airport, Kansas City, Mo.-Kans., and Lambert Field, St. Louis Municipal Airport, St. Louis, Mo., on the other hand. Restricted to the transportation moving on air bills of lading and having an immediate prior or subsequent movement by air, for 180 days. Supporting shippers: There are approximately eight statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133186 TA, filed September 26, 1968. Applicant: RED RIVER FERTILIZER & CHEMICAL CO., INC., 1621 South University Drive, Fargo, N. Dak. 58102. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer* (1) from Cavalier and Grand Forks, N. Dak., to points in Minnesota, (2) from Dilworth, Minn., to points in North Dakota, (3) from Dumont, Minn., to points in South Dakota and North Dakota, and (4) from Gwinner, N. Dak., to points in South Dakota and Minnesota, for 180 days. Supporting shipper: Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12082; Filed, Oct. 3, 1968; 8:48 a.m.]

[Notice 220]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 1, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70623. By order of September 25, 1968, the Transfer Board approved the transfer to Collins & Simmons, Inc., Wolcott, N.Y., of a portion of certificate No. MC–119237, issued July 24, 1967, to Middlesex Transportation Co., a corporation, Jersey City, N.J., authorizing the transportation of: Groceries between New York, N.Y., on the one hand, and, on the other, Trenton, N.J., Philadelphia, Pa., and points in Hudson, Essex, Middlesex, Union, and Monmouth

Counties, N.J. Raymond A. Richards, 23 West Main Street, Webster, N.J. 14580, attorney for transferee and Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306; attorney for transferor.

No. MC–FC–70798. By order of September 25, 1968, the Transfer Board approved the transfer to Maurice Merrill Hall and Raymond Dale Wells, a partnership, doing business as Hall & Wells Truck Line, King City, Mo., of the certificate of registration in No. MC–96969 (Sub-No. 2) issued March 24, 1965, to Robert S. McCammon, doing business as McCammon Truck Line, King City, Mo., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. T–5776, as amended, issued by the Public Service Commission of Missouri. Raymond Dale Wells, 325 Main, King City, Mo. 64463; representative for applicants.

No. MC–FC–70799. By order of September 25, 1968, the Transfer Board approved the transfer to DeJong Trucking Co., Inc., Spenard, Alaska, of the operating rights in certificate No. MC–118516 (Sub-No. 2) issued October 1, 1963, to Richard DeJong, Spenard, Alaska, authorizing the transportation of general commodities, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and articles of unusual value, between Seward, Anchorage, and Valdez, Alaska, on the one hand, and, on the other, points in Alaska except those in southeastern Alaska (The Alaska Panhandle). George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101; attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–12083; Filed, Oct. 3, 1968; 8:48 a.m.]

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PART II

Department of Transportation

Hazardous Materials Regulations Board

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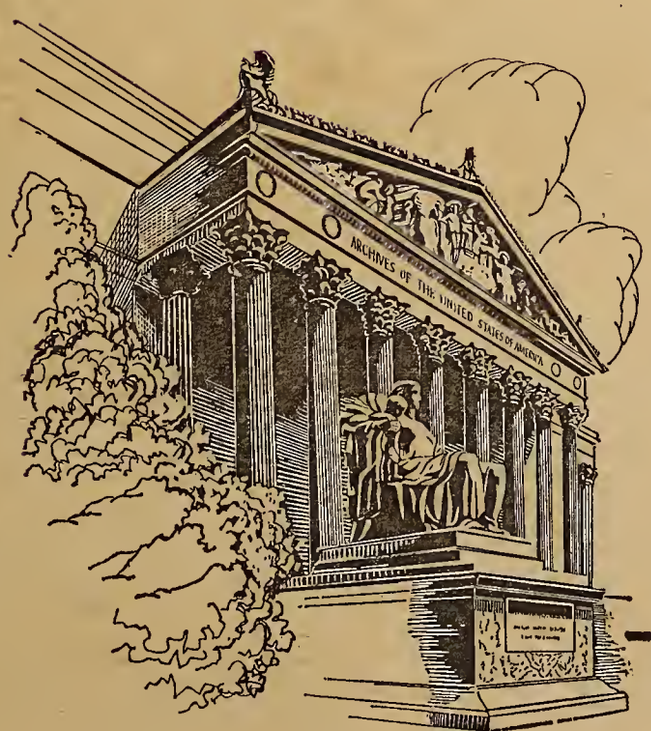

Radioactive Materials and Other Miscellaneous Amendments

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

[Docket No. HM-2; Amdts. 171-1, 172-1, 173-3, 174-1, 175-1, 177-3, 178-1]

RADIOACTIVE MATERIALS AND OTHER MISCELLANEOUS AMENDMENTS

On January 20, 1968, the Hazardous Materials Regulations Board published Docket No. HM-2; Notice No. 68-1 (33 F.R. 750), which proposed amendments to the Department's Hazardous Materials Regulations (49 CFR Parts 170-190 and 14 CFR Part 103). These proposals dealt with a major revision to the regulations for the transportation of radioactive materials, along with a number of other general packaging modifications. The public was given 90 days for comment. Numerous comments were filed and have been studied by the Department staff. Several meetings and discussions were held with staff personnel of the U.S. Atomic Energy Commission (AEC), as required by 18 U.S.C. 834(b), and the amendments reflect the results of those discussions. All other comments suggesting changes, additions, or deletions were carefully considered.

One of the most controversial items in the notice of proposed rule making involved the proposed changes in the regulations for the transportation of radioactive materials by air and bus. Restrictions on shipments of radioactive liquids and shipments of packages having significant external radiation levels had been proposed. After consideration of the comments received, and after evaluation of the impact of the proposal on the atomic energy industry, particularly with regard to the use of radiopharmaceuticals, those proposed restrictions have been deleted, and the present provisions for such shipments have been retained. No regulatory restrictions on shipment of large quantities of radioactive materials are considered necessary since each such shipment is covered by a Department special permit. Each situation can then be analyzed on its own merits, and appropriate restrictions can be imposed in the language of the permit.

Numerous comments were received regarding suggested changes to the Department's proposed labeling system for radioactive materials packages. The proposed system was in harmony with the regulations of the International Atomic Energy Agency (IAEA) and the proposed regulations of the United Nations. Certain parties in the United States felt that those international standards are not appropriate in all respects for U.S. usage, and asked that the use of the labels be modified accordingly. However, the Department believes that the interests of international harmony in this area are overriding, and has retained the IAEA-type labels and labeling criteria. The Department will pursue the item further with the IAEA to determine if changes could be made in the international standards which would reflect the total United States interests.

Many of the modifications in these amendments will require parallel changes in the AEC regulations (10 CFR Part 71) to assure harmony between the two complementary sets of regulations. The AEC has indicated that it expects to be able to publish the necessary amendments to its Part 71 prior to the effective date of these amendments.

Many of the new procedures prescribed in these amendments have been previously authorized by Departmental special permits. Special Permit No. 5000 authorized the use of a drum-type birdcage now listed as the Specification 6M package. Special Permit No. 5300 authorized the use of a type of packaging now listed as the Specification 7A package. Special Permit No. 5400 provided for the shipment of enriched uranium under the terms of § 71.6 of the AEC regulations, and the terms of that permit are now included in § 173.396 of these regulations. Special Permit No. 5417 provided for the transportation of radioactively contaminated items, and the terms of that permit are not included in the low specific activity provisions of § 173.392. Accordingly, those special permits are no longer appropriate, and are hereby terminated. Several of the carriers objected to increasing the transport index from the present limit of 40 to a new limit of 50. Although this increase means that more radioactive materials could be carried aboard a vehicle, it does not present a significant increase in hazard. The extra packages may only be carried under additional transport controls for segregation of packages from passengers, transportation workers, and film. The increase is not mandatory, but only allows more packages to be carried. Each carrier is still free to load his vehicles as he sees fit within the overall regulatory limitations. Studies have shown that the previous limit of 40 was greatly overconservative, and that the new limit of 50 would still provide adequate safety in transportation. The new limit will also provide a higher degree of consistency with the international regulations which already provide for a transport index of 50.

A large number of special permits have been issued for the transportation of fissile radioactive materials under Fissile Class II conditions. Because these amendments reflect the international standard of a transport index limit of 50, rather than the 40 radiation unit maximum presently prescribed in the U.S. regulations, a modification of these permits must be made in order that the number of Fissile Class II packages per vehicle remains the same. Therefore, for all special permits issued prior to September 26, 1968, the allowable transport index listed for Fissile Class II packages is increased by a factor of 1.25; i.e., an increase of 25 percent over the present assignments. All holders of such permits will receive individual notification of this change. Future special permits and revisions to existing permts will reflect the new criteria in making transport index assignments.

The notice of proposed rule making did not utilize the Type A-Type B quantity provisions of the IAEA regulations, but instead referred only to specified quantities of radioactive materials for the various categories of packaging. This was done at the request of a number of interested parties in the atomic energy field. These parties felt that there was a certain stigma attached to these terms as a result of previous unsuccessful rule making efforts by the Interstate Commerce Commission. However, the comments received indicated that the use of those IAEA terms would be not only acceptable but would clarify and simplify the packaging provisions. Accordingly, those terms are defined and used in these amendments.

On February 28, 1969, all existing Bureau of Explosives (Association of American Railroads) permits for radioactive materials packages will expire. Many comments indicated that the regulations were not sufficiently clear as to whether those previously authorized containers could ever be used again. The acceptability of these containers after February 28, 1969, will be a function of their ability to meet the prescribed structural integrity, shielding, and thermal resistance criteria. In each case, the shipper should examine the design and construction details of his container and compare them to the new regulations. If the container does not fit within one of the prescribed categories or usages, he may not use the container after that date without first having secured a Department special permit. The Department's safety evaluation of each of those containers will be based upon the criteria in these amendments. The detailed procedures for petitioning the Department for a special permit are prescribed in Part 170 of these regulations. Part 170 was published in the FEDERAL REGISTER on June 3, 1968 (33 F.R. 68-6562). Copies of Part 170 may be obtained by writing the Secretary, Hazardous Materials Regulations Board, 400 Sixth Street SW., Washington, D.C. 20590; there is no charge.

The present regulations in § 173.393, mention that containers authorized by the Interstate Commerce Commission (now the Department) under special permit may be used for the transportation of radioactive materials. In the light of the recent publication of Part 170, those statements are extraneous, and have been deleted. This does not mean to imply, however, that special permits are no longer available. Any person may petition the Department to use a container which is not prescribed in the regulations, whether for radioactive materials or any of the other hazardous materials covered in the regulations.

A number of comments were received, primarily from carrier interests, objecting to the shifting of responsibility for vehicle monitoring from the consignee to the carrier. They stated that they had neither the trained personnel nor the equipment to perform such services. The Transportation of Explosives Act (18 U.S.C. 831-835), which gives the Department the responsibility for developing and administering regulations for the safe transportation of hazardous materials, limits the Department's jurisdiction to shippers and carriers. The De-

partment cannot impose requirements on consignees since it has no jurisdiction over them. Carriers have historically been responsible for cleaning up spills of other hazardous materials in their vehicles or on their property. Their responsibility with respect to radioactive materials is no different. The amended regulations prescribe performance standards for monitoring and cleanup of spills. The carrier may utilize the services of any qualified person, including the consignee, in performing the required functions. The present regulations often refer to actions to be carried out by the shipper or his authorized agent. Since 18 U.S.C. 831 includes a shipper's authorized agent in the definition of a shipper, the use of both terms in the same regulatory provision is redundant. Where the term shipper appears in the regulations, it is implied that the term includes his authorized agent. Accordingly, several of the sections have been modified to delete the reference to the authorized agent.

The Department acts as the U.S. competent authority as that term is used in the IAEA regulations. In issuing special permits for radioactive materials packages, the Department is often asked to provide the certificate required of competent authorities in the IAEA regulations. The details of these certificates are outlined in Marginal C–6 of those regulations. In order to provide this information, it will be necessary for the petitioner for the special permit to certify in his petition that his packaging, and the contents (particularly with respect to the special form criteria), meet all of the standards prescribed in the IAEA regulations. Although these amendments will bring the U.S. regulations more in harmony with the international standards, there are still some significant differences that will be dealt with in future rule making actions. It is the shipper's responsibility, as prescribed in § 173.393, to make the determination that his package meets all of the requirements of the foreign countries as well as the United States, and the shipper must certify to the Department that he has made that determination. He must present to the Department the basis of his evaluation that those standards have been met. The Department will review the petitioner's data and, if it is satisfied that the petitioner has in fact made a proper determination, it will issue the necessary IAEA certificate as a part of the special permit.

Several comments indicated that there will be difficulty in complying with the placarding requirements unless there was some indication on the shipping papers as to the type of label required for the packages being shipped. The Board agrees that the shipping paper should contain adequate information from which the placarding requirement can be determined and has therefore amended § 173.427 to require that the shipping paper description include the type of label required.

A number of additional editorial changes have been made throughout the regulations to correct such items as references to radioactive materials as Class D poisons, correction of paragraph references, and incorrect format.

At the request of a number of interested parties, the order of presentation of the radioactive materials packaging criteria in Part 173 has been modified to clarify the applicability of certain requirements, and to simplify the use of the regulations. This modified order of presentation is also more in harmony with the regulations for transportation of other hazardous materials.

In addition to the general changes discussed above, a number of specific changes to the notice of proposed rule making are worthy of highlighting.

Proposed § 173.22 has been modified to separate the subject of shipper's responsibility from the types of packages authorized under "grandfather clauses." The latter have been included in a new § 173.23. In § 173.23, two additional months have been provided for continued use of packages operating under permits from the Bureau of Explosives. The expiration date of the B of E permits is now February 28, 1969.

A table of steel thicknesses has been added to the general construction standards in § 173.24. The general prohibition against vented packages has been deleted.

In § 173.29, the "Empty" label is now required to be affixed to empty radioactive materials packagings.

In § 173.389, the definition of "fissile materials" has been clarified so that it agrees with the current definition in 10 CFR Part 71 of the USAEC Regulations. The use of the transport index numbers has also been clarified. New definitions for "large quantity" radioactive materials, "Type A" and "Type B" quantities, and "Type A" and "Type B" packaging have been included to obviate the need for repetitive definitions throughout the packaging regulations.

In § 173.390, an additional transport group, Group VII, has been added to conform with the IAEA regulations, and to obviate the need for descriptive limits throughout the packaging regulations. The provisions for determining the transport group of unknown mixtures have been expanded to conform with the IAEA definition.

In § 173.391, a total package limit has been placed on the amount of tritium which may be shipped under the exemption. The permissible contamination limits for the exempt packages has been changed from "detectable" to "significant removable." The requirement for the marking "Radioactive" on exempt devices has been deleted, and the maximum radioactivity content of each such device has been modified to conform with the IAEA regulations. An exemption has been added to provide for packagings in which natural or depleted uranium (such as shipping casks) is incorporated into the packaging.

Proposed § 173.393 has been modified to provide for a security seal, similar to the present special permit requirements, and in accord with the IAEA provisions. Section 173.393(d) has been clarified with regard to the requirements for internal bracing. Section 173.393 now includes restrictions on the surface temperatures in order to prevent injury to employees and to reduce the fire hazard to other cargo. The temperature restrictions are those commonly provided in special permits. Special permits are required for all shipments involving high internal decay heat, so this addition represents no change from present practice. Pyrophoric liquids are not authorized for air transportation under either the IATA or the IAEA regulations, and that restriction has been noted in § 173.393(f). Section 173.393(g) has been modified to remove the requirement that the inner container be made of metal. Section 173.393(j) has been reworded for clarification as to its applicability. The radiation level restrictions for occupied positions in private vehicles have been removed, since radiation exposures to personnel operating or riding in those vehicles are adequately controlled by existing regulations of the AEC and the Department of Labor.

Proposed §§ 173.394 and 173.395 have been modified to provide for delivery of IAEA Type A packages to their destination in the United States without need for special permit. Type B packages, other than Spec. 55 or 6M, will require Departmental approval in every case at the present time due to a lack of specification containers for Type B quantities.

Proposed § 173.396 has been modified to provide for package limits for the Specs. 6L and 6M metal packages. The limits are presently specified in Part 178.

Proposed § 173.398 has been modified to prescribe the criteria for Type A packages (normal conditions incident to transportation) as well as the previously prescribed criteria for Type B packages (hypothetical accident conditions). The allowable release of radioactive material from packages under the Type B tests, and the test conditions themselves, have been clarified to conform with the present requirements of 10 CFR Part 71 of the AEC or the IAEA regulations.

In proposed § 173.399, the reference to a zero transport index for the white label has been deleted. An additional example of dual labeling requirements is shown for radioactive materials containing nitric acid. Provisions have been included in § 173.402 to require two radioactive materials labels on opposite sides of each package, and to allow the use of foreign labels which conform to the IAEA regulations. Labels for other hazardous materials which are required for air transportation are authorized for surface transportation as well.

The proposed change in the package marking requirements for full-load shipments of all hazardous materials has been retained. These requirements have been in effect for all shipments by water and for Department of Defense shipments for many years.

The provisions of paragraph (b) have been modified to reflect the shipping paper requirements of § 173.427, which itself has been changed to include informational material required on the shipping papers for radioactive materials shipments. These informational modifi-

cations conform to the IAEA regulations. Section 173.430 has been modified to allow for the use of an optional reference to IATA regulations for air shipments.

Proposed § 177.870(g) has been modified to allow transportation of radioactive materials on buses under essentially the same conditions as presently provided for. Storage and loading restrictions have been prescribed in place of the proposed prohibitions for Category II and III packages.

Specification 2R, in § 178.34, has been modified to provide for reduced size of the letters of identification.

A number of cylinder specifications have been corrected to reflect the proper cross-references to Part 173.

Specification 6L, in § 178.103, has been modified to provide for additional types of spacers ("spiders"). The total quantity of required vermiculite has been deleted as extraneous because the required density provides automatically for the total weight control. Marking requirements have been modified to conform with other steel drum requirements. Closure requirements have been modified to require a specified metal thickness and locking ring attachment. Recent accident tests demonstrated the inadequacy of the more common lightweight locking rings. Loading capacity limitations have been relocated to § 173.396.

Section 103.31 of Title 14 has been modified to clarify the identification of certain labels used on mixed cargoes.

Because of the complex nature of these amendments, and the impact that they will have on the transportation of radioactive materials, and to allow a reasonable time for compliance with the changes made herein, the effective date of the amendments is December 31, 1968. However, compliance with these amendments is authorized on and after the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, the Hazardous Materials Regulations of the Department of Transportation (14 CFR Part 103 and 49 CFR Parts 170–190) are amended effective December 31, 1968, as set forth below.

(Title 18, U.S.C., secs. 831–835; sec. 9, Department of Transportation Act (49 U.S.C. 1657); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h)))

Issued in Washington, D.C., on September 26, 1968.

W. J. SMITH,
Commandant,
United States Coast Guard.

Issued in Washington, D.C., on September 26, 1968.

SAM SCHNEIDER,
Board Member for the
Federal Aviation Administration.

Issued in Washington, D.C., on September 26, 1968.

LOWELL K. BRIDWELL,
Administrator,
Federal Highway Administration.

Issued in Washington, D.C., on September 26, 1968.

A. SCHEFFER LANG,
Administrator,
Federal Railroad Administration.

1. Chapter I of Title 49 is amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

I. Section 171.8 is amended by adding the following new paragraphs at the end thereof:

§ 171.8 Definitions.

* * * * *

(i) "Packaging" means the assembly of the containers and any other components necessary to assure compliance with the prescribed packaging requirements.

(j) "Package" means the packaging plus its content of explosives or other dangerous articles, as presented for transportation.

(k) "Transport vehicle" means the conveyance used for the transportation of explosives or other dangerous articles and includes any motor vehicle, rail car, or aircraft. Each cargo-carrying body (trailer, van, box car, etc.) is a separate vehicle.

(l) "Department" means the Department of Transportation.

PART 172—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 171–179 OF THIS CHAPTER

II. Part 172 is amended as follows:

(A) By amending § 172.2 to read as follows:

§ 172.2 Articles not described.

(a) An article whose proper shipping name is not shown in the commodity list in § 172.5, and which must be classified as dangerous under the definitions in § 172.53, § 173.88, § 173.100, § 173.115, § 173.150, § 173.151, § 173.240, § 173.300 § 173.326, § 173.343, § 173.381, or § 173.389 of this chapter, must be prepared and offered for shipment in compliance with the regulations for the appropriate hazard classification.

§ 172.4 [Amended]

(B) In paragraph (a) of § 172.4, amend the listing as follows:

1. Cancel: "Pois. D—Radioactive materials, Class D."

2. Add: "R.A.M.—Radioactive materials."

§ 172.5 [Amended]

(C) In paragraph (a) of § 172.5, amend the commodity list as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Fissile radioactive materials	Radioactive material	173.393 173.396	Radioactive	See § 173.396.
Radioactive devices	do	173.391(b)	None	See § 173.391.
Radioactive materials, low specific activity (LSA).	do	173.392 173.393	Radioactive	See § 173.392(a).
Thorium nitrate, solid	Radioactive material, oxygen material.	173.392	Radioactive and yellow	100 pounds.
Uranyl nitrate, solid	do	173.392 173.396	do	Do.
Add				
Radioactive materials, small quantities.	Radioactive material	173.391(a)	None	See § 173.391.
Radioactive materials, n.o.s	do	173.393 173.395	Radioactive	See §§ 173.393, 173.395.
Radioactive materials, special form.	do	173.393 173.394	do	See §§ 173.393, 173.394.
Cancel				
Magnesium-thorium alloys in formed shapes (not powdered, and which shall contain not more than 4 percent nominal thorium 232).	Poison D	173.392(e)	Radioactive materials, red.	See § 173.393(L).
Radioactive materials, n.o.s	do	173.392 173.393	Radioactive materials, blue or red.	See § 173.393 (f) and (L).
Uranium, normal or depleted, in solid metal form (not borings, chips, or pieces).	do	173.392(f)	Radioactive materials, red.	See § 173.393(L).

PART 173—SHIPPERS

III. Part 173 is amended as follows:

(A) The table of contents is amended by adding §§ 173.389, 173.390, 173.397 through 173.399; amending §§ 173.2, 173.22, 173.23, 173.24, 173.28, 173.325, 173.391 through 173.396, and 173.402; amending Subpart G to read as follows:

Sec.
173.393 General packaging requirements.
173.394 Radioactive material in special form.
173.395 Radioactive material in normal form.
173.396 Fissile radioactive material.
173.397 Contamination control.
173.398 Special tests.
173.399 Labeling of packages of radioactive materials.
173.402 Labeling of explosives or other dangerous articles.

(B) By amending § 173.2 to read as follows:

§ 173.2 Classification; dangerous articles.

(a) Dangerous articles other than explosives having more than one hazardous characteristic, as defined in Parts 170–190 of this chapter, must be classified according to the greatest hazard present. However, such articles which are also Class A poisons or radioactive materials must be classified according to both hazardous characteristics, as defined in this part.

(C) By amending § 173.22 in its entirety to read as follows:

§ 173.22 Shipper's responsibility.

(a) Where containers are supplied by the shipper, the shipper shall be responsible to determine that shipments of explosives and other dangerous articles made in containers which, unless otherwise provided in this part (see § 173.9 (c)), have been made, assembled with all parts or fittings in their proper place, and marked in compliance with applicable specifications prescribed in Parts 178 and 179 of this chapter or with specifications of the Department in effect at date of manufacture of container. The shipper may accept the manufacturer's certification or specification marking to determine that the containers were manufactured in accordance with applicable specifications. Where containers are supplied by the carrier, the shipper shall determine that the containers in which commodities are to be loaded are proper containers for the transportation of such commodities by examining the manufacturer's identification plate. specification marking, or certification by the carrier.

(D) By amending § 173.23 in its entirety to read as follows:

§ 173.23 Previously authorized packaging.

(a) Where the regulations require Spec. 6D or 37M (§ 178.102 or § 178.134 of this chapter) cylindrical steel overpacks, Spec. 5B, 6J, or 37A (single-trip container) (§ 178.82, § 178.100, or § 178.-131 of this chapter) metal drums manufactured before March 18, 1964, having inside Spec. 2S, 2SL, 2T, or 2TL (§ 178.21, § 178.27, § 178.35, or § 178.35a of this chapter) polyethylene container, may be continued in use for the commodities and gross weights for which they were previously authorized.

(b) Reusable molded polyethylene containers for use without overpack complying with Spec. 34 (§ 178.19 of this chapter), manufactured before September 5, 1966, may be continued in use, if they are plainly marked "ICC–34," and are embossed with the maker's name or symbol, rated capacity, and the month and year of manufacture.

(c) Containers manufactured before January 1, 1967, and approved by the Bureau of Explosives before July 12, 1966, (1) may be continued in use for the shipment of fissile and other radioactive materials under the approved conditions until that approval is terminated by the Department or the Bureau of Explosives, but in no case after February 28, 1969, and (2) may not be used for export unless specifically approved by the Department. Petitions for continuing use of such containers may be filed with the Department under § 170.13 of this chapter.

(E) By amending § 173.24 in its entirety to read as follows:

§ 173.24 Standard requirements for all packages.

(a) Each package used for shipping explosives or other dangerous articles under this chapter shall be so designed and constructed, and its contents so limited, that under conditions normally incident to transportation—

(1) There will be no significant release of the explosive or other dangerous article to the environment;

(2) The effectiveness of the packaging will not be substantially reduced; and

(3) There will be no mixture of gases or vapors in the package which could, through any credible spontaneous increase of heat or pressure, or through an explosion, significantly reduce the effectiveness of the packaging.

(b) Materials for which detailed specifications for packaging are not set forth in this part must be securely packaged in strong, tight packages meeting the requirements of this section.

(c) Packaging used for the shipment of explosives or other dangerous articles under this chapter shall, unless otherwise specified or exempted therein, meet all of the following design and construction criteria:

(1) Each specification container shall be marked in an unobstructed area with letters and numerals identifying that specification (e.g., ICC–6J, DOT–6L, DOT MC 306, ICC–105A200–F);

(i) The marking is a certification that the packaging complies with all specification requirements.

(ii) The name and address or the symbol of the manufacturer, or the user, who assumes responsibility for compliance with the specification requirements, shall be included. Symbol letters must be registered with the Bureau of Explosives. Duplicate symbols are not authorized.

(iii) The markings shall be stamped, embossed, burned, printed, or otherwise marked on the packaging to provide adequate accessibility, permanency, and contrast so as to be readily apparent and understood.

(iv) Unless otherwise specified, letters and numerals shall be at least ½-inch high.

(v) Packaging which does not comply with the applicable specification listed in Parts 178 and 179 of this chapter must not be marked to indicate such compliance.

(2) Steel used shall be low-carbon, commercial quality steel. Stainless, open hearth, electric, basic oxygen, or other similar quality steels are acceptable. Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness (inches)	Minimum thickness (inches)
12	0.1046	0.0946
13	0.0897	0.0817
14	0.0747	0.0677
15	0.0673	0.0603
16	0.0598	0.0533
17	0.0538	0.0478
18	0.0478	0.0428
19	0.0418	0.0378
20	0.0359	0.0324
22	0.0299	0.0269
24	0.0239	0.0209
26	0.0179	0.0159
28	0.0149	0.0129
30	0.0120	0.0110

(3) Lumber used shall be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(4) Welding and brazing shall be performed in a workmanlike manner using suitable and appropriate techniques, materials, and equipment.

(5) Packaging materials and contents shall be such that there will be no significant chemical or galvanic reaction among any of the materials in the package.

(6) Closures shall be adequate to prevent inadvertent leakage of the contents under normal conditions incident to transportation. Gasketed closures shall be fitted with gaskets of efficient material which will not be deteriorated by the contents of the container.

(7) Nails, staples, and other metallic devices shall not protrude into the interior of the outer packaging in such a manner as to be likely to cause failures.

(8) The nature and thickness of the packaging shall be such that friction during transport does not generate any heating likely to decrease the chemical stability of the contents.

(d) For specification containers, compliance with the applicable specifications in Parts 178 and 179 of this chapter shall be required in all details, except as otherwise provided in this chapter.

(F) By amending the heading, the introductory text of paragraph (a), and paragraph (h) in § 173.28 to read as follows:

§ 173.28 Reuse of containers.

(a) Containers used more than once (refilled and reshipped after having been previously emptied) must be in such condition, including closure devices and cushioning materials, that they comply in all respects with the prescribed requirements for those containers. Repairs must be made in an efficient manner in accordance with requirements for materials and construction as prescribed in

Parts 178 and 179 of this chapter for new containers, or as otherwise prescribed. Parts that are weak, broken, or otherwise deteriorated must be replaced.

* * * * *

(h) Except as provided in this section, single-trip containers made under specifications prescribed in Part 178 of this chapter, from which contents have once been removed following use for shipment of any commodity, shall not be again used as shipping containers for explosives or other dangerous articles. Single-trip containers may be reused if retested before each reuse in accordance with methods approved by the Bureau of Explosives for service for specific commodities or classes of commodities. Applications for permission for reuse should be made to the Bureau of Explosives, 2 Pennsylvania Plaza, New York, N.Y. 10001.

* * * * *

(G) By amending § 173.29(e) to read as follows:

§ 173.29 Empty containers.

* * * * *

(e) All packagings and accessories which have been used for shipments of radioactive materials, when shipped as empty, must be securely closed, the external surface must be free of significant removable radioactive contamination as provided in § 173.397(a), and the radiation at the external surface of the packaging must not exceed 0.5 millirem per hour. The "Empty" label, described in § 173.413, must be affixed to the packaging.

* * * * *

(H) By amending the title of Subpart G to read as follows:

Subpart G—Poisonous Materials and Radioactive Materials; Definition and Preparation

(I) By amending the section heading and the introductory text of paragraph (a); cancel paragraph (a)(4) of § 173.325 as follows:

§ 173.325 Classes of poisonous materials.

(a) Poisonous materials for the purpose of Parts 170–190 of this chapter are divided into three classes according to degree of hazard in transportation.

* * * * *

(4) [Canceled]

(J) By amending the introductory text of paragraph (a) of § 173.343 as follows:

§ 173.343 Less dangerous poisons, class B, liquid or solid, poison label; definition.

(a) For the purposes of Parts 170–190 of this chapter and except as otherwise provided in this part, class B poisons are those substances, liquid or solid (including pastes and semisolids), other than class A or class C poisons, which are known to be so toxic to man as to afford a hazard to health during transportation; or which, in the absence of adequate data on human toxicity, are presumed to be toxic to man because they fall within any one of the following categories when tested on laboratory animals:

* * * * *

(K) By adding new §§ 173.389 and 173.390 as follows:

§ 173.389 Radioactive materials; definitions.

For the purpose of Parts 170–190 of this chapter:

(a) "Fissile radioactive material" means the following material: Plutonium-238, plutonium-239, plutonium-241, uranium-233, or uranium-235, or any material containing any of the foregoing materials. See § 173.396(a) for exclusions. Fissile radioactive material packages are classified according to the controls needed to provide nuclear criticality safety during transportation as follows:

(1) *Fissile Class I.* Packages which may be transported in unlimited numbers and in any arrangement, and which require no nuclear criticality safety controls during transportation. For purposes of nuclear criticality safety control, a transport index is not assigned to Fissile Class I packages. However, the external radiation levels may require a transport index number.

(2) *Fissile Class II.* Packages which may be transported together in any arrangement but in numbers which do not exceed an aggregate transport index of 50. For purposes of nuclear criticality safety control, individual packages may have a transport index of not less than 0.1 and not more than 10. However, the external radiation levels may require a higher transport index number but not to exceed 10. Such shipments require no nuclear criticality safety control by the shipper during transportation.

(3) *Fissile Class III.* Shipments of packages which do not meet the requirements of Fissile Classes I or II and which are controlled in transportation by special arrangements between the shipper and the carrier.

NOTE 1: Uranium-235 exists only in combination with various percentages of uranium-234 and uranium-238. "Fissile radioactive material" as applied to uranium-235 refers to the amount of uranium-235 actually contained in the total quantity of uranium being transported.

NOTE 2: Radioactive material may consist of mixtures of fissile and non-fissile radionuclides. "Fissile radioactive material" refers to the amount of plutonium-238, plutonium-239, plutonium-241, uranium-233, uranium-235, or any combination thereof actually contained in the mixture. The "radioactivity" of the mixture consists of the total activity of both the fissile and nonfissile radionuclides. All mixtures containing "fissile material" shall be subject to § 173.396.

(b) "Large quantity radioactive materials" means a quantity the aggregate radioactivity of which exceeds that specified as follows:

(1) Groups I or II (see paragraph (h) of this section) radionuclides: 20 curies.

(2) Groups III or IV radionuclides: 200 curies.

(3) Group V radionuclides: 5,000 curies.

(4) Groups VI or VII radionuclides: 50,000 curies.

(5) Special form material: 5,000 curies.

(c) "Low specific activity material" means any of the following:

(1) Uranium or thorium ores and physical or chemical concentrates of those ores;

(2) Unirradiated natural or depleted uranium or unirradiated natural thorium;

(3) Tritium oxide in aqueous solutions provided the concentration does not exceed 5 millicuries per milliliter;

(4) Material in which the activity is essentially uniformly distributed and in which the estimated average concentration per gram of contents does not exceed:

(i) 0.0001 millicuries of Group I (see § 173.389(h)) radionuclides; or

(ii) 0.005 millicuries of Group II radionuclides; or

(iii) 0.3 millicuries of Groups III or IV radionuclides.

NOTE: This includes, but is not limited to, materials of low radioactivity concentration such as residues or solutions from chemical processing; wastes such as building rubble, metal, wood, and fabric scrap, glassware, paper and cardboard; solid or liquid plant waste, sludges, and ashes.

(5) Objects of nonradioactive material externally contaminated with radioactive material, provided that the radioactive material is not readily dispersible and the surface contamination when averaged over an area of 1 square meter, does not exceed 0.0001 millicurie (220,000 disintegrations per minute) per square centimeter of Group I radionuclides or 0.001 millicurie (2,200,000 disintegrations per minute) per square centimeter of other radionuclides.

(d) "Normal form radioactive materials" means those which are not special form radioactive materials. Normal form radioactive materials are grouped into transport groups (see paragraph (h) of this section).

(e) "Radioactive material" means any material or combination of materials, which spontaneously emits ionizing radiation. Materials in which the estimated specific activity is not greater than 0.002 microcuries per gram of material, and in which the radioactivity is essentially uniformly distributed, are not considered to be radioactive materials.

(f) "Removable radioactive contamination" means radiactive contamination which can be readily removed in measurable quantities by wiping the contaminated surface with an absorbent material. The measurable quantities shall be considered as being not significant if they do not exceed the limits specified in § 173.397.

(g) "Special form radioactive materials" means those which, if released from a package, might present some direct radiation hazard but would present little hazard due to radiotoxicity and little possibility of contamination. This may be the result of inherent properties of the material (such as metals or alloys), or acquired characteristics, as through encapsulation. The criteria for determining whether a material meets the definition of special form are prescribed in § 173.398(a).

(h) "Transport group" means any one of seven groups into which normal form radionuclides are classified according to their radiotoxicity and their relative potential hazard in transportation, and as listed in § 173.390.

(i) "Transport index" means the number placed on a package to designate the degree of control to be exercised by the carrier during transportation. The transport index to be assigned to a package of radioactive materials shall be determined by either subparagraph (1) or (2) of this paragraph, whichever is larger. The number expressing the transport index shall be rounded up to the next highest tenth; e.g., 1.01 becomes 1.1.

(1) The highest radiation dose rate, in millirem per hour at three feet from any accessible external surface of the package; or

(2) For Fissile Class II packages only, the transport index number calculated by dividing the number "50" by the number of similar packages which may be transported together (see § 173.396), as determined by the procedures prescribed in the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71.

(j) "Type A packaging" means packaging which is designed in accordance with the general packaging requirements of §§ 173.24 and 173.393, and which is adequate to prevent the loss or dispersal of the radioactive contents and to retain the efficiency of its radiation shielding properties if the package is subject to the tests prescribed in § 173.398(b).

(k) "Type B packaging" means packaging which meets the standards for Type A packaging, and, in addition, meets the standards for hypothetical accident conditions of transportation as prescribed in § 173.398(c).

(l) "Type A quantity" and "Type B quantity" radioactive materials means a quantity the aggregate radioactivity of which does not exceed that specified as follows:

Transport group (see § 173.389(h))	Type A quantity (in curies)	Type B quantity (in curies)
I	0.001	20
II	0.05	20
III	3	200
IV	20	200
V	20	5,000
VI and VII	1,000	50,000
Special form	20	5,000

§ 173.390 Transport groups of radionuclides.

(a) List of radionuclides:

Element [1]	Radionuclide [2]	Transport group I	II	III	IV	V	VI	VII
Actinium (89)	Ac-227	X						
	Ac-228	X						
Americium (95)	Am-241	X						
	Am-243	X						
Antimony (51)	Sb-122				X			
	Sb-124			X				
	Sb-125			X				
Argon (18)	Ar-37						X	
	Ar-41		X					
	Ar-41 (uncompressed) [3]					X		
Arsenic (33)	As-73				X			
	As-74				X			
	As-76				X			
	As-77				X			
Astatine (85)	At-211			X				
Barium (56)	Ba-131				X			
	Ba-133		X					
	Ba-140			X				
Berkelium (97)	Bk-249	X						
Beryllium (4)	Be-7				X			
Bismuth (83)	Bi-206				X			
	Bi-207			X				
	Bi-210		X					
	Bi-212			X				
Bromine (35)	Br-82				X			
Cadmium (48)	Cd-109				X			
	Cd-115m			X				
	Cd-115				X			
Calcium (20)	Ca-45				X			
	Ca-47				X			
Californium (98)	Cf-249	X						
	Cf-250	X						
	Cf-252	X						
Carbon (6)	C-14				X			
Cerium (58)	Ce-141				X			
	Ce-143				X			
	Ce-144			X				
Cesium (55)	Cs-131				X			
	Cs-134m			X				
	Cs-134			X				
	Cs-135				X			
	Cs-136				X			
	Cs-137			X				
Chlorine (17)	Cl-36			X				
	Cl-38				X			
Chromium (24)	Cr-51				X			
Cobalt (27)	Co-56			X				
	Co-57				X			
	Co-58m				X			
	Co-58				X			
	Co-60			X				
Copper (29)	Cu-64				X			
Curium (96)	Cm-242	X						
	Cm-243	X						
	Cm-244	X						
	Cm-245	X						
	Cm-246	X						
Dysprosium (66)	Dy-154			X				
	Dy-165				X			
	Dy-166				X			
Erbium (68)	Er-169				X			
	Er-171				X			
Europium (63)	Eu-150			X				
	Eu-152m				X			
	Eu-152			X				
	Eu-154		X					
	Eu-155				X			
Fluorine (9)	F-18				X			
Gadolinium (64)	Gd-153				X			
	Gd-159				X			
Gallium (31)	Ga-67			X				
	Ga-72				X			
Germanium (32)	Ge-71				X			
Gold (79)	Au-193			X				
	Au-194			X				
	Au-195			X				
	Au-196				X			
	Au-198				X			
	Au-199				X			
Hafnium (72)	Hf-181				X			
Holmium (67)	Ho-166				X			
Hydrogen (1)	H-3 (see tritium)							
Indium (49)	In-113m				X			
	In-114m			X				
	In-115m				X			
	In-115				X			
Iodine (53)	I-124			X				
	I-125			X				
	I-126			X				
	I-129			X				
	I-131			X				
	I-132				X			
	I-133			X				
	I-134				X			
	I-135				X			
Iridium (77)	Ir-190				X			
	Ir-192			X				
	Ir-194				X			
Iron (26)	Fe-55				X			
	Fe-59				X			
Krypton (36)	Kr-85m			X				
	Kr-85m (uncompressed) [3]					X		
	Kr-85			X				
	Kr-85 (uncompressed) [3]						X	
	Kr-87		X					
	Kr-87 (uncompressed) [3]					X		

See footnotes at end of table.

Element [1]	Radionuclide	Transport group						
		I	II	III	IV	V	VI	VII
Lanthanum (57)	La-140				X			
Lead (82)	Pb-203				X			
	Pb-210		X					
	Pb-212		X					
Lutecium (71)	Lu-172			X				
	Lu-177				X			
Magnesium (12)	Mg-28			X				
Manganese (25)	Mn-52				X			
	Mn-54				X			
	Mn-56				X			
Mercury (80)	Hg-197m				X			
	Hg-197				X			
	Hg-203				X			
Mixed Fission Products	MF-P		X					
Molybdenum (42)	Mo-99				X			
Neodymium (60)	Nd-147				X			
	Nd-149				X			
Neptunium (93)	Np-237	X						
	Np-239	X						
Nickel (28)	Ni-56			X				
	Ni-59				X			
	Ni-63				X			
	Ni-65				X			
Niobium (41)	Nb-93m				X			
	Nb-95				X			
	Nb-97				X			
Osmium (76)	OS-185				X			
	OS-191m				X			
	OS-191				X			
	OS-193				X			
Palladium (46)	Pd-103				X			
	Pd-109				X			
Phosphorus (15)	P-32				X			
Platinum (78)	Pt-191				X			
	Pt-193				X			
	Pt-193m				X			
	Pt-197m				X			
	Pt-197				X			
Plutonium (94)	Pu-238 [4]	X						
	Pu-239 [4]	X						
	Pu-240	X						
	Pu-241 [4]	X						
	Pu-242	X						
Polonium (84)	Po-210	X						
Potassium (19)	K-42				X			
	K-43			X				
Praseodymium (59)	Pr-142				X			
	Pr-143				X			
Promethium (61)	Pm-147				X			
	Pm-149				X			
Protactinium (91)	Pa-230	X						
	Pa-231	X						
	Pa-233		X					
Radium (88)	Ra-223		X					
	Ra-224		X					
	Ra-226	X						
	Ra-228	X						
Radon (86)	Rn-220				X			
	Rn-222		X					
Rhenium (75)	Re-183				X			
	Re-186				X			
	Re-187				X			
	Re-188				X			
	Re Natural				X			
Rhodium (45)	Rh-103m				X			
	Rh-105				X			
Rubidium (37)	Rb-86				X			
	Rb-87				X			
	Rb Natural				X			
Ruthenium (44)	Ru-97				X			
	Ru-103				X			
	Ru-105				X			
	Ru-106			X				
Samarium (62)	Sm-145			X				
	Sm-147			X				
	Sm-151				X			
	Sm-153				X			

See footnotes at end of table.

Element [1]	Radionuclide [3]	Transport group						
		I	II	III	IV	V	VI	VII
Scandium (21)	Sc-46			X				
	Sc-47				X			
	Sc-48				X			
Selenium (34)	Se-75				X			
Silicon (14)	Si-31				X			
Silver (47)	Ag-105				X			
	Ag-110m			X				
	Ag-111				X			
Sodium (11)	Na-22			X				
	Na-24				X			
Strontium (38)	Sr-85m				X			
	Sr-85				X			
	Sr-89			X				
	Sr-90		X					
	Sr-91			X				
	Sr-92				X			
Sulphur (16)	S-35				X			
Tantalum (73)	Ta-182			X				
Technetium (43)	Tc-96m				X			
	Tc-96				X			
	Tc-97m				X			
	Tc-97				X			
	Tc-99m				X			
	Tc-99				X			
Tellurium (52)	Te-125m				X			
	Te-127m				X			
	Te-127				X			
	Te-129m			X				
	Te-129				X			
	Te-131m			X				
	Te-132				X			
Terbium (65)	Tb-160			X				
Thallium (81)	Tl-200				X			
	Tl-201				X			
	Tl-202				X			
	Tl-204			X				
Thorium (90)	Th-227		X					
	Th-228	X						
	Th-230	X						
	Th-231	X						
	Th-232			X				
	Th-234		X					
	Th Natural			X				
Thulium (69)	Tm-168			X				
	Tm-170			X				
	Tm-171				X			
Tin (50)	Sn-113				X			
	Sn-117m			X				
	Sn-121			X				
	Sn-125				X			
Tritium (1)	H-3				X			
	H-3 (as a gas, as luminous paint, or adsorbed on solid material).							X
Tungsten (74)	W-181				X			
	W-185				X			
	W-187				X			
Uranium (92)	U-230		X					
	U-232	X						
	U-233 [4]		X					
	U-234		X					
	U-235 [4]			X				
	U-236		X					
	U-238			X				
	U Natural			X				
	U Enriched [4]			X				
	U Depleted			X				
Vanadium (23)	V-48				X			
	V-49			X				
Xenon (54)	Xe-125			X				
	Xe-131m			X				
	Xe-131m (uncompressed) [2]					X		
	Xe-133			X				
	Xe-133 (uncompressed) [2]						X	
	Xe-135		X					
	Xe-135 (uncompressed) [2]					X		
Ytterbium (70)	Yb-175				X			

Element [1]	Radionuclide [3]	Transport group						
		I	II	III	IV	V	VI	VII
Yttrium (39)	Y-88			X				
	Y-90				X			
	Y-91m			X				
	Y-91			X				
	Y-92				X			
	Y-93				X			
Zinc (30)	Zn-65				X			
	Zn-69m				X			
	Zn-69				X			
Zirconium (40)	Zr-93				X			
	Zr-95			X				
	Zr-97				X			

[1] Atomic number shown in parentheses.
[2] Uncompressed means at a pressure not exceeding 14.7 p.s.i. (absolute).
[3] Atomic weight shown after the radionuclide symbol.
[4] Fissile radioactive material.

(b) Any radionuclide not listed in the above table shall be assigned to one of the groups in accordance with the following table:

Radionuclide	Radioactive half-life		
	0–1,000 days	1,000 days to 10^6 years	Over 10^6 years
Atomic number 1–81.	Group III	Group II	Group III.
Atomic number 82 and over.	Group I	Group I	Do.

NOTE 1: No unlisted radionuclides shall be assigned to Groups IV, V, VI, or VII.

(c) For mixtures of radionuclides the following shall apply:

(1) If the identity and respective activity of each radionuclide are known, the permissible activity of each radionuclide shall be such that the sum, for all groups present, of the ratio between the total activity for each group to the permissible activity for each group will not be greater than unity.

(2) If the groups of the radionuclides are known but the amount in each group cannot be reasonably determined, the mixture shall be assigned to the most restrictive group present.

(3) If the identity of all or some of the radionuclides cannot be reasonably determined, each of those unidentified radionuclides shall be considered as belonging to the most restrictive group which cannot be positively excluded.

(4) Mixtures consisting of a single radioactive decay chain where the radionuclides are in the naturally occurring proportions shall be considered as consisting of a single radionuclide. The group and activity shall be that of the first member present in the chain, except if a radionuclide "x" has a half-life longer than that of that first member and an activity greater than that of any other member including the first at any time during transportation; in that case, the transport group of the nuclide "x" and the activity of the mixture shall be the maximum activity of that nuclide "x" during transportation.

(L) By amending § 173.391 in its entirety to read as follows:

§ 173.391 Small quantities of radioactive materials and radioactive devices.

(a) Radioactive materials in normal form not exceeding 0.01 millicurie of Group I radionuclides; 0.1 millicurie of Group II radionuclides; 1 millicurie of Groups III, IV, V, or VI radionuclides; 25 curies of Group VII radionuclides; tritium oxide in aqueous solution with a concentration not exceeding 0.5 millicuries per milliliter and with a total activity per package of not more than 3 curies; or 1 millicurie of radioactive material in special form; and not containing more than 15 grams of uranium-235 are exempt from specification packaging, marking, and labeling, and are exempt from the provisions of § 173.393, if the following conditions are met:

(1) The materials are packaged in strong tight packages such that there will be no leakage of radioactive materials under conditions normally incident to transportation.

(2) The package must be such that the radiation dose rate at any point on the external surface of the package does not exceed 0.5 millirem per hour.

(3) There must be no significant removable radioactive surface contamination on the exterior of the package (see § 173.397).

(4) The outside of the inner container must bear the marking "Radioactive."

(b) Manufactured articles such as instruments, clocks, electronic tubes or apparatus, or other similar devices, having radioactive materials (other than liquids) in a nondispersible form as a component part, are exempt from specification packaging, marking, and labeling, and are exempt from the provisions of § 173.393, if the following conditions are met:

NOTE 1: For radioactive gases, the requirement for the radioactive material to be in a nondispersible form does not apply.

(1) Radioactive materials are securely contained within the devices, or are securely packaged in strong, tight packages, so that there will be no leakage of radioactive materials under conditions normally incident to transportation.

(2) The radiation dose rate at four inches from any unpackaged device does not exceed 10 millirem per hour.

(3) The radiation dose rate at any point on the external surface of the outside container does not exceed 0.5 millirem per hour. However, for carload or truckload lots only, the radiation at the external surface of the package or the item may exceed 0.5 millirem per hour, but must not exceed 2 millirem per hour.

(4) There must be no significant removable radioactive surface contamination on the exterior of the package (see § 173.397).

(5) The total radioactivity content of a package containing radioactive devices must not exceed the quantities shown in the following table:

Transport group	Quantity in curies	
	Per device	Per package
I	0.0001	0.001
II	0.001	0.05
III	0.01	3
IV	0.05	3
V or VI	1	1
VII	25	200
Special form	0.05	20

(6) No package may contain more than 15 grams of fissile material.

(c) Manufactured articles, other than reactor fuel elements, in which the sole radioactive material is natural or depleted uranium, are exempt from specification packaging, marking, and labeling and are exempt from the provisions of § 173.393, if the following conditions are met:

(1) The radiation dose rate at any point on the external surface of the outside container does not exceed 0.5 millirem per hour;

(2) There must be no detectable radioactive surface contamination on the exterior of the package (see § 173.397).

(3) The total radioactivity content of each article must not exceed 3 curies.

(4) The outer surface of the uranium is enclosed in an inactive metallic sheet.

NOTE: Such articles may be packagings for the transportation of radioactive materials.

(d) Shipments made under this section for transportation by motor carriers are exempt from Part 177, except § 177.817, of this chapter.

(M) By amending § 173.392 in its entirety to read as follows:

§ 173.392 Low specific activity materials.

(a) Low specific activity materials, when transported in other than transport vehicles assigned for the sole use of the consignor, are exempt from the provisions of § 173.393 (a) through (g) must be packaged in accordance with the requirements of § 173.395, and must be marked and labeled as required in §§ 173.401 and 173.402.

(b) Low specific activity materials which are transported in transport vehicles (except aircraft) assigned for the sole use of that consignor are exempt from specification packaging, marking, and labeling provided the shipments meet the requirements of paragraph (c) or (d) of this section.

(c) Packaged shipments of low specific activity materials transported in transport vehicles (except aircraft) assigned for the sole use of that consignor must comply with the following:

(1) Materials must be packaged in strong, tight packages so that there will be no leakage of radioactive material

under conditions normally incident to transportation.

(2) Packages must not have any significant removable surface contamination (see § 173.397).

(3) External radiation levels must comply with § 173.393(j).

(4) Shipments must be loaded by consignor and unloaded by consignee from the transport vehicle in which originally loaded.

(5) There must be no loose radioactive material in the car or vehicle.

(6) Shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation.

(7) Except for shipments of uranium or thorium ores, unconcentrated, the transport vehicle must be placarded with the placards prescribed in accordance with § 174.541(b) or § 177.823 of this chapter, as appropriate.

(8) The outside of each outside package must be stencilled or otherwise marked "Radioactive—LSA."

(d) Unpackaged (bulk) shipments of low specific activity materials transported in closed transport vehicles (except aircraft) assigned for the sole use of that consignor must comply with the following:

(1) Authorized materials are limited to the following:

(i) Uranium or thorium ores and physical or chemical concentrates of those ores.

(ii) Uranium metal or natural thorium metal, or alloys of these materials; or

(iii) Materials of low radioactive concentration, if the average estimated radioactivity concentration does not exceed 0.001 millicurie per gram and the contribution from Group I material does not exceed one percent of the total radioactivity.

(iv) Objects of nonradioactive material externally contaminated with radioactive material, if the radioactive material is not readily dispersible and the surface contamination, when averaged over one square meter, does not exceed 0.0001 millicurie per square centimeter of Group I radionuclides or 0.001 millicurie per square centimeter of other radionuclides. Such objects must be suitably wrapped or enclosed.

(2) Bulk liquids must be transported in the following:

(i) Spec. 103C–W (§§ 179.200, 179.201, and 179.202 of this chapter) tank cars. Bottom fittings and valves are not authorized.

(ii) Spec. MC 310, MC 311, MC 312, or MC 331 (§ 178.330, § 178.331, § 178.337, or § 178.343 of this chapter) cargo tanks. Authorized only where the radioactivity concentration does not exceed 10 percent of the specified low specific activity levels (see § 173.389(c)). The requirements of § 173.393(g) do not apply to these cargo tanks. Bottom fittings and valves are not authorized. Trailer-on-flat-car service is not authorized.

(3) External radiation levels must comply with subparagraphs (2), (3), and (4) of § 173.393(j).

(4) Shipments must be loaded by the consignor, and unloaded by the consignee from the transport vehicles in which originally loaded.

(5) Except for shipments of uranium or thorium ores, unconcentrated, the transport vehicle must be placarded with the placards prescribed in accordance with § 174.541(b) or § 177.823 of this chapter, as appropriate.

(6) There must be no leakage of radioactive materials from the vehicle.

(N) By amending § 173.393 in its entirety to read as follows:

§ 173.393 General packaging requirements.

(a) Unless otherwise specified, all shipments of radioactive materials must meet all requirements of this section, and must be packaged as prescribed in §§ 173.391 through 173.396.

(b) The outside of each package must incorporate a feature such as a seal, which is not readily breakable and which, while intact, will be evidence that the package has not been illicitly opened.

(c) The smallest outside dimension of any package must be 4 inches or greater.

(d) Radioactive materials must be packaged in packagings which have been designed to maintain shielding efficiency and leak tightness, so that, under conditions normally incident to transportation, there will be no release of radioactive material. If necessary, additional suitable inside packaging must be used. Each package must be capable of meeting the standards in § 173.398(b) (see also § 173.24). Specification containers listed as authorized for radioactive materials shipments may be assumed to meet those standards, provided the packages do not exceed the gross weight limits prescribed for those containers in Part 178 of this chapter.

(1) Internal bracing or cushioning, where used, must be adequate to assure that, under the conditions normally incident to transportation, the distance from the inner container or radioactive material to the outside wall of the package remains within the limits for which the package design was based, and the radiation dose rate external to the package does not exceed the transport index number shown on the label. Inner shield closures must be positively secured to prevent loss of the contents.

(e) The packaging must be so designed, constructed, and loaded that, when transporting large quantities of radioactive material:

(1) The heat generated within the package because of the radioactive materials present will not, at any time during transportation, affect the efficiency of the package under the conditions normally incident to transportation, and

(2) The temperature of the accessible external surfaces of the package will not exceed 122° F. in the shade when fully loaded, assuming still air at ambient temperature. If the package is transported in a transport vehicle consigned for the sole use of the consignor, the maximum accessible external surface temperature shall be 180° F.

(f) Pyrophoric materials, in addition to the packaging prescribed in this subpart, must also meet the packaging requirements of § 173.134 or § 173.154. Pyrophoric radioactive liquids may not be shipped by air.

(g) Liquid radioactive material must be packaged in or within a leak-resistant and corrosion-resistant inner container. In addition—

(1) The packaging must be adequate to prevent loss or dispersal of the radioactive contents from the inner container, if the package were subjected to the 30-foot drop test prescribed in § 173.398(c)(2)(i); or

(2) Enough absorbent material must be provided to absorb at least twice the volume of the radioactive liquid contents. The absorbent material may be located outside the radiation shield only if it can be shown that if the radioactive liquid contents were taken up by the absorbent material the resultant dose rate at the surface of the package would not exceed 1,000 millirem per hour.

(h) There must be no significant removable radioactive surface contamination on the exterior of the package (see § 173.397).

(i) Except for shipments described in paragraph (j) of this section, all radioactive materials must be packaged in suitable packaging (shielded, if necessary) so that at any time during the normal conditions incident to transportation the radiation dose rate does not exceed 200 millirem per hour at any point on the external surface of the package, and the transport index does not exceed 10.

(j) Packages for which the radiation dose rate exceeds the limits specified in paragraph (i) of this section, but does not exceed at any time during transportation any of the limits specified in subparagraphs (1) through (4) of this paragraph, may be transported in a transport vehicle (except aircraft) assigned for the sole use of that consignor, and unloaded by the consignee from the transport vehicle in which originally loaded.

(1) 1,000 millirem per hour at 3 feet from the external surface of the package (closed transport vehicle only);

(2) 200 millirem per hour at any point on the external surface of the car or vehicle (closed transport vehicle only);

(3) 10 millirem per hour at 6 feet from the external surface of the car or vehicle; and

(4) 2 millirem per hour in any normally occupied position in the car or vehicle, except that this provision does not apply to private motor carriers.

(k) When radioactive materials are loaded by the shipper into a transport vehicle assigned for the sole use of that shipper, the shipper must observe all applicable requirements of Part 174, 175, or 177 of this chapter, as appropriate.

(l) Packages consigned for export are also subject to the regulations of the foreign governments involved in the shipment. See §§ 173.8 and 173.9.

(O) By amending § 173.394 in its entirety to read as follows:

§ 173.394 Radioactive material in special form.

(a) Type A quantities of special form radioactive materials must be packaged as follows:

(1) Spec. 5B, 5D, 6A, 6B, 6C, 6J, 6K, 6L, 6M, 17C, 17H, 42B, or 42C (§§ 178.82, 178.84, 178.97, 178.98, 178.99, 178.100, 178.101, 178.103, 178.104, 178.107, 178.108, 178.115, and 178.118 of this chapter) metal drums.

(2) Spec. 21C (§ 178.224 of this chapter) fiber drums.

(3) Spec. 14, 15A, 15B, 15C, 15D, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.171, 178.190, and 178.191 of this chapter) wooden boxes.

(4) Any Spec. 12 series (§§ 178.205 through 178.212 of this chapter) fiberboard boxes, 200-pound test minimum, or Spec. 23F or 23H (§ 178.214 or § 178.219 of this chapter) fiberboard boxes.

(5) Spec. 55 (§ 178.250 of this chapter) metal-encased shielded container. Additionally authorized for not more than 300 curies per package, for domestic shipments only.

(6) Spec. 7A (§ 178.350 of this chapter) Type A general package.

(7) Foreign-made packagings which bear the symbol "Type A" may be used for transportation of radioactive materials from the point of entry in the United States to their destination in the United States or through the United States en route to a point of destination outside of the United States.

(b) Type B quantities of special form radioactive materials must be packaged as follows:

(1) Spec. 55 (§ 178.250 of this chapter) metal-encased shielded container. Authorized only for not more than 300 curies per package. Authorized for domestic shipments only (see also § 178.394 (a)(5) of this chapter).

(2) Spec. 6M (§ 178.304 of this chapter) metal packaging.

(3) Any Type B packaging specifically approved for such use by the Department.

(c) Large quantities of radioactive materials in special form must be packaged as follows:

(1) Spec. 6M (§ 178.104 of this chapter) metal packaging. Radioactive thermal decay energy must not exceed 10 watts.

(2) Any Type B packaging which meets the standards in the regulations of the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71), or the 1967 regulations of the International Atomic Energy Agency, and which has been specifically authorized for such use by the Department under Part 170 of this chapter. In applying for Departmental authorization of packages for large quantities of radioactive materials to be used in shipments by the U.S. Atomic Energy Commission, or one of its contractors or licensees, a copy of the license amendment or other approval issued by that Commission will be accepted in place of the package structural integrity evaluation.

(P) By amending § 173.395 in its entirety to read as follows:

§ 173.395 Radioactive material in normal form.

(a) Type A quantities of normal form radioactive materials must be packaged as follows:

(1) Spec. 5B, 5D, 6A, 6B, 6C, 6J, 6K, 6L, 6M, 17C, 17H, 42B, or 42C (§§ 178.82, 178.84, 178.97, 178.98, 178.99, 178.100, 178.101, 178.103, 178.104, 178.107, 178.108, 178.115, and 178.118 of this chapter) metal drums.

(2) Spec. 21C (§ 178.224 of this chapter) fiber drums.

(3) Spec. 14, 15A, 15B, 15C, 15D, 19A, or 19B (§§ 178.165, 178.168, 178.169, 178.170, 178.171, 178.190, and 178.191 of this chapter) wooden boxes.

(4) Any Spec. 12 series (§§ 178.205 through 178.212 of this chapter) fiberboard boxes, 200-pound test minimum; or Spec. 23F or 23H (§ 178.214 or § 178.219 of this chapter) fiberboard boxes.

(5) Any Spec. 3 or 4 series (§§ 178.36 through 178.44 or §§ 178.47 through 178.58 of this chapter) cylinders.

(6) Spec. 55 (§ 178.250 of this chapter) metal-encased shielded container.

(7) Spec. 7A (§ 178.350 of this chapter) Type A general package.

(8) Foreign-made packagings which bear the symbol "Type A" may be used for transportation of radioactive materials from their point of entry in the United States to their destination in the United States or through the United States en route to a point of destination outside of the United States.

(b) Type B quantities of radioactive materials in normal form must be packaged as follows:

(1) Spec. 6M (§ 178.104 of this chapter) metal packaging. Authorized only for solid or gaseous radioactive materials which will not decompose at temperatures up to 250° F.

(2) Any Type B packaging specifically approved for such use by the Department.

(c) Large quantities of radioactive materials in normal form must be packaged as follows:

(1) Spec. 6M (§ 178.104 of this chapter) metal packaging. Authorized only for solid or gaseous radioactive materials which will not decompose at temperatures up to 250° F. Radioactive thermal decay energy must not exceed 10 watts.

(2) Any Type B packaging which meets the standards prescribed in the regulations of the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71) or the 1967 regulations of the International Atomic Energy Agency, and which has been specifically authorized for such use by the Department under Part 170 of this chapter. In applying for Departmental authorization of package for large quantities of radioactive materials to be used in shipments by the U.S. Atomic Energy Commission, or one of its contractors or licensees, a copy of the license amendment or other approval issued by that Commission will be accepted in place of the package structural integrity evaluation.

(Q) By amending § 173.396 in its entirety to read as follows:

§ 173.396 Fissile radioactive material.

(a) The following materials are not classified as fissile radioactive materials, are exempted from this section, and must instead be packaged in accordance with the other provisions of this subpart, as appropriate:

(1) Not more than 15 grams of fissile material;

(2) Thorium, or uranium containing not more than 0.72 percent by weight of fissile material;

(3) Uranium compounds other than metal (e.g., UF_4, UF_6, or uranium oxide in bulk form, not pelleted or fabricated into shapes), and aqueous solutions of uranium, in which the total amount of uranium-233 and plutonium present does not exceed 1 percent by weight of the uranium-235 content, and the total fissile content does not exceed 1 percent by weight of the total uranium content;

(4) Homogenous hydrogenous solutions or mixtures containing not more than:

(i) 500 grams of any fissile material, provided the atomic ratio of hydrogen to fissile material is greater than 7,600; or

(ii) 800 grams of uranium-235, if the atomic ratio of hydrogen to fissile material is greater than 5,200, and the content of other fissile material is not more than 1 percent by weight of the total uranium-235 content; or

(iii) 500 grams of uranium-233 and uranium-235, if the atomic ratio of hydrogen to fissile material is greater than 5,200, and the content of plutonium is not more than 1 percent by weight of the total uranium-233 and uranium-235 content.

(5) A package containing less than 350 grams of fissile material, if there is not more than 5 grams of fissile material in any cubic foot within the package.

(b) Fissile radioactive materials containing not more than Type A quantities of radionuclides, in either normal form or special form, must be packaged as follows:

(1) Spec. 6L (§ 178.103 of this chapter) metal packaging. Authorized only for not more than 14 kilograms of uranium-235 as metal or oxide, or as compounds or alloys which will not decompose at temperatures up to 750° F. Each package shipped as Fissile Class II shall be assigned a transport index of 1.3 (unless external radiation levels require a higher assignment). The atomic ratio of hydrogen to uranium-235 shall not exceed three, all sources of hydrogen within the inner packaging being considered. The gross weight of the loaded package shall not exceed 350 pounds for the 55-gallon size or 480 pounds for sizes up through 110 gallons.

(2) Spec. 6M (§ 178.104 of this chapter) metal packaging. See paragraph (c)(2) of this section for authorized contents.

(3) Any packaging listed in § 173.395 (a). Authorized only for not more than the following:

(i) 500 grams of uranium-235 as Fissile Class III, or not more than 40 grams

of uranium-235 as Fissile Class II. For Fissile Class II shipments, the transport index to be assigned to each package shall be 0.4 for each gram of uranium-235 above 15 grams up to a maximum of 40 grams (transport index of 10).

(ii) 320 grams of plutonium-239 as plutonium-beryllium neutron sources in special form. Total radioactivity content must not exceed 20 curies. The transport index to be assigned to each package shall be 0.5 for each 20 grams, or fraction thereof, of fissile plutonium.

(4) Any other packaging which meets the standards in the regulations of the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71) the 1967 regulations of the International Atomic Energy Agency, and which has been specifically authorized for such use by the Department under Part 170 of this chapter.

(c) Fissile radioactive materials containing Type B quantities of radionuclides, in either normal form or special form, must be packaged as follows:

(1) Spec. 6L (§ 178.103 of this chapter) metal packaging. Authorized only for enriched uranium, the fissile content not to exceed 14 kilograms uranium-235 as metal or oxide, or as compounds or alloys which will not decompose at temperatures up to 750° F. Each package shipped as Fissile Class II shall be assigned a transport index of 1.3 (unless external radiation levels require a higher assignment). The atomic ratio of hydrogen to uranium-235 shall not exceed three, all sources of hydrogen within the inner packaging being considered. The gross weight of the loaded package shall not exceed 350 pounds for the 55-gallon size or 480 pounds for sizes up through 110 gallons.

(2) Spec. 6M (§ 178.104 of this chapter) metal packaging. Authorized only for solid radioactive materials which will not decompose at temperatures up to 250° F. Radioactive thermal decay energy output shall not exceed 10 watts. Large quantity radioactive materials in normal form must be packaged in one or more sealed and leaktight metal cans or polyethylene bottles within the Spec. 2R containment vessel.

(i) *Fissile Class I packages.* The following quantities of fissile radioactive material are authorized for Fissile Class I packages: 1.6 kilograms uranium-235; 0.9 kilograms of plutonium (see Note); 0.5 kilograms of uranium-233. The maximum ratio of hydrogen to fissile material must not exceed three, all sources of hydrogen within the Spec. 2R containment vessel being considered.

NOTE: Because of the 10-watt thermal decay heat limitation, the limit for plutonium-238 is only 0.02 kilograms.

(ii) *Fissile Class II and III packages.* Quantities of fissile radioactive material as shown in the following table are authorized for Fissile Class II and Fissile Class III packages. Where a maximum ratio of hydrogen to fissile material is specified in the table, only the hydrogen interspersed with the fissile material need be considered. For Fissile Class II packages, the minimum transport index to be assigned is shown in the table. For Fissile Class III packages, the maximum number of similar packages per transport vehicle is shown. Fissile Class III shipments are also subject to paragraph (g) of this section.

TABLE OF AUTHORIZED CONTENTS [1]

Uranium-235 [2]			Plutonium [3 4]			Fissile Class II transport index	Fissile Class III, maximum number packages per transport vehicle
Metal or alloy H/X=0	Compounds H/X=0	Compounds H/X≤3	Metal or alloy H/X=0	Compounds H/X=0	Compounds H/X≤3		
7.2	7.6	5.2	3.1	4.1	3.4	0.1	1,250
8.7	9.6	6.4	3.4	4.5	4.1	0.2	625
11.2	13.9	8.3	4.2	----------	4.5	0.5	250
13.5	16.0	10.1	4.5	----------	----------	1.0	125
----------	26.0	16.1	----------	----------	----------	5.0	25
----------	32.0	19.5	----------	----------	----------	10.0	12

[1] Quantity in kilograms.
[2] Maximum uranium-235 enrichment is 93 weight percent.
[3] Minimum percentage of plutonium-240 is 5 weight percent.
[4] 4.5 kilogram limitation on plutonium due to 10 watt decay heat limitation.

(3) Any other packaging which meets the standards prescribed in the regulations of the U.S. Atomic Energy Commission (Title 10, Code of Federal Regulations, Part 71) or the 1967 regulations of the International Atomic Energy Agency, and which has been specifically authorized for such use by the Department under Part 170 of this chapter.

(d) Petitions for authorization of nonspecification packagings for fissile radioactive materials must be submitted as prescribed in Part 170 of this chapter, and must also include the following:

(1) Type and amount of fissile radioactive materials which are to be carried in each package, including:

(i) The transport index to be assigned to the package for the proposed package loadings when shipped as Fissile Class II; and

(ii) The maximum number of packages proposed when shipped as Fissile Class III.

(2) A nuclear criticality safety evaluation demonstrating that the packaging design and limitation on its contents are adequate to assure nuclear criticality safety. Any tests performed in this respect should be described.

NOTE: In applying for Departmental authorization of packages for fissile radioactive materials to be used in shipments by the U.S. Atomic Energy Commission, or one of its contractors or licensees, a copy of the license amendment or other approval issued by that Commission will be accepted in place of the nuclear criticality safety evaluation and the package structural integrity evaluation.

(e) Mixing of packages of other types of radioactive materials, including Fissile Class I, with Fissile Class II packages is permitted if the total transport index in any one transport vehicle or storage location does not exceed 50.

(f) For Fissile Class II packages shipped under the exclusive use provisions of § 173.393(j) to provide for packages with high radiation dose rates, the transport index number which is calculated for nuclear criticality control purposes must not exceed 10 for any single package or a total of 50 for the full load, unless specifically authorized by the Department for Fissile Class III shipments.

(g) Fissile Class III shipments may be made only in accordance with subparagraph (1) or (2) of this paragraph, or in accordance with other procedures authorized by the Department. The transport controls must provide nuclear criticality safety and shall be carried out by the shipper or carrier, as appropriate, to protect against loading, transporting, or storing of that shipment together with other fissile material.

(1) Transportation in a transport vehicle assigned for the sole use of that consignor, with a specific restriction for such sole use to be provided in the special arrangements, and with instructions to that effect issued with the shipping papers; or

(2) Transportation under escort by a person in a separate vehicle, with the escort having the capability, equipment, authority, and instructions to provide administrative controls adequate to assure compliance with this paragraph.

(R) By adding new §§ 173.397, 173.398, and 173.399 to read as follows:

§ 173.397 Contamination control.

(a) Removable radioactive contamination is not significant if the average amount of radioactive contamination which can be removed by wiping the external surface of the package with an absorbent material, as measured on the wiping material, does not exceed—

(1) 10^{-11} curie per square centimeter beta-gamma (2,200 disintegrations/min. per 100 square centimeters) and 10^{-12} curie per square centimeter alpha (220 disintegrations/min. per 100 square centimeters) for all contaminants except natural or depleted uranium and natural thorium; or

(2) 10^{-10} curie per square centimeter beta-gamma (22,000 disintegrations/min. per 100 square centimeters) and 10^{-11} curie per square centimeter alpha (2,200 disintergrations/min. per 100 square centimeters) where the only contaminant is known to be natural or depleted uranium or natural thorium.

(b) Each transport vehicle used for transporting low specific activity radioactive materials in carload or truckload

lots under § 173.392(d) must be surveyed with appropriate radiation detection instruments after each use. Vehicles must not again be placed in service until the radiation dose rate at any accessible surface is not more than 0.5 millirem per hour, and there is no significant removable radioactive surface contamination (see § 173.399).

(1) This paragraph does not apply to any closed transport vehicle (except aircraft) used solely for the transportation of radioactive materials, if a survey of its interior surface shows that the radiation dose rate does not exceed 10 millirem per hour at the interior surface or 2 millirem per hour at 3 feet from any interior surface. These vehicles must be stenciled with the words "For Radioactive Materials Use Only" in lettering at least 3 inches high in a conspicuous place or places, on both sides of the exterior of the vehicle. These vehicles must be kept closed at all times other than loading and unloading.

§ 173.398 Special tests.

(a) Special form material: To qualify as special form material, the radioactive material must either be in massive solid form or encapsulated. Each item in massive solid form or each capsule must either have no overall dimension less than 0.5 millimeters, or must have at least one dimension greater than 5 millimeters. Each item, or the capsule material, must not dissolve or convert into dispersible form to the extent of more than 0.005 percent, by weight, by immersion for 1 week in water at pH 6–8 and 68° F., and a maximum conductivity of 10 micromhos/centimeter, and by immersion in air at 86° F. If in massive solid form, the radioactive material must not break, crumble, or shatter if subjected to the percussion test prescribed in this section, and must not melt, sublime, or ignite at temperatures below 1,000° F. If encapsulated, the capsule must retain its contents when subjected to all of the performance tests prescribed in this section, and must not melt, sublime, or ignite at temperatures below 1,475° F.

(1) *Free drop.* A free drop through a distance of 30 feet on to a flat essentially unyielding horizontal surface, striking the surface in such a position as to suffer maximum damage.

(2) *Percussion.* Impact of the flat circular end of a one inch diameter steel rod weighing three pounds, dropped through a distance of 40 inches. The capsule or material shall be placed on a sheet of lead, of hardness number 3.5 to 4.5 on the Vickers scale, and not more than one inch thick, supported by a smooth, essentially unyielding surface.

(3) *Heating.* Heating in air to a temperature of 1,475° F. and remaining at that temperature for a period of 10 minutes.

(4) *Immersion.* Immersion for 24 hours in water at room temperature. The water shall be at pH6–pH8, with a maximum conductivity of 10 micromhos/cm.

(b) Standards for Type A packaging:

(1) Type A packaging must be so designed and constructed that, if it were subject to the environmental and test conditions prescribed in this section:

(i) There would be no release of radioactive material from the package;

(ii) The effectiveness of the packaging would not be substantially reduced; and

(iii) There would be no mixture of gases or vapors in the package which could, through any credible increase of pressure or an explosion, significantly reduce the effectiveness of the package.

(2) Environmental conditions:

(i) *Heat.* Direct sunlight at an ambient temperature of 130° F. in still air.

(ii) *Cold.* An ambient temperature of −40° F. in still air and shade.

(iii) *Reduced pressure.* Ambient atmospheric pressure of 0.5 atmosphere (absolute) (7.3 p.s.i.a.).

(iv) *Vibration.* Vibration normally incident to transportation.

(3) Test conditions: The packaging shall be subject to all of the following tests unless specifically exempted therefrom, and also to the consecutive application of at least two of the following tests from which it is not specifically exempted:

(i) *Water spray.* A water spray heavy enough to keep the entire exposed surface of the package except the bottom continuously wet during a period of 30 minutes. Packages for which the outer layer consists entirely of metal, wood, ceramic, or plastic, or combinations thereof, are exempt from the water spray test.

(ii) *Free drop.* Between 1½ to 2½ hours after the conclusion of the water spray test, a free drop through a distance of 4 feet onto a flat essentially unyielding horizontal surface, striking the surface in a position for which maximum damage is expected.

(iii) *Corner drop.* A free drop onto each corner of the package in succession, or in the case of a cylindrical package onto each quarter of each rim, from a height of 1 foot onto a flat essentially unyielding horizontal surface. This test applies only to packages which are constructed primarily of wood or fiberboard, and do not exceed 110 pounds gross weight, and to all Fissile Class II packagings.

(iv) *Penetration.* Impact of the hemispherical end of a vertical steel cylinder 1¼ inches in diameter and weighing 13 pounds, dropped from a height of 40 inches onto the exposed surface of the package which is expected to be most vulnerable to puncture. The long axis of the cylinder shall be perpendicular to the package surface.

(v) *Compression.* For packages not more than 10,000 pounds in weight, a compressive load equal to either five times the weight of the package or 2 pounds per square inch multiplied by the maximum horizontal cross section of the package, whichever is greater. The load shall be applied during a period of 24 hours, uniformly against the top and bottom of the package in the position in which the package would normally be transported.

(c) Standards for hypothetical accident conditions of transportation for Type B packagings:

(1) Type B packaging must meet the applicable Type A packaging standards and must be designed and constructed and its contents so limited that, if subjected to the hypothetical accident conditions prescribed in this paragraph, it will meet the following conditions:

(i) The reduction of shielding would not be enough to increase the radiation dose rate at three feet from the external surface of the package to more than 1,000 millirem per hour.

(ii) No radioactive material would be released from packages containing Type B quantities of radioactive material. The allowable release of radioactivity from packages containing large quantities of radioactive material is limited to gases and contaminated coolant containing total radioactivity exceeding neither 0.1 percent of the total radioactivity of the package contents nor 0.01 curie of Group I radionuclides, 0.5 curie of Group II radionuclides, and 10 curies of Groups III and IV radionuclides, except that for inert gases the limit is 1,000 curies.

(2) Test conditions: The conditions which the package must be capable of withstanding must be applied sequentially, to determine their cumulative effect on a package, in the following order:

(i) *Free drop.* A free drop through a distance of 30 feet onto a flat essentially unyielding horizontal target surface, striking the surface in a position for which maximum damage is expected.

(ii) *Puncture.* A free drop through a distance of 40 inches striking, in a position for which maximum damage is expected, the top end of a vertical cylindrical mild steel bar mounted on an essentially unyielding horizontal surface, the bar shall be 6 inches in diameter, with the top horizontal and its edge rounded to a radius of not more than one-fourth inch, and of such a length as to cause maximum damage to the package, but not less than 8 inches long. The long axis of the bar shall be perpendicular to the unyielding horizontal surface.

(iii) *Thermal.* Exposure to a thermal test in which the heat input to the package is no less than that which would result from exposure of the whole package to a radiation environment of 1,475° F. for 30 minutes with an emissivity coefficient of 0.9, assuming the surfaces of the package have an absorption coefficient of 0.8. The package shall not be cooled artificially until 3 hours after the test period unless it can be shown that the temperature on the inside of the package has begun to fall in less than 3 hours.

(iv) *Water immersion (fissile radioactive materials packages only).* Immersion in water to the extent that all portions of the package to be tested are under at least 3 feet of water for a period of not less than 8 hours.

(d) It is not necessary to actually conduct the tests prescribed in this section if it can be clearly shown, through engineering evaluations or comparative data, that the material or item would be capable of performing satisfactorily under the prescribed test conditions.

§ 173.399 Labeling of packages of radioactive materials.

(a) Each package of radioactive materials, unless exempted by § 173.391 or § 173.392, shall be labeled as provided in this section (see § 173.414 for description of labels). The label to be used shall be determined by the transport index or other considerations as follows:

(1) *Radioactive white-I label.* (i) Each package not exceeding 0.5 millirem per hour at any point on the external surface of the package, and which does not come within the provisions of subparagraph (2) or (3) of this paragraph. Not authorized for Fissile Class II packages.

(2) *Radioactive yellow-II label.* When the limit in subparagraph (1) of this paragraph is exceeded but the provisions of subparagraph (3) of this paragraph are not met; and—

(i) Each package not exceeding 10 millirem per hour at any point on the external surface of the package and not exceeding 0.5 millirem per hour at 3 feet from the external surface of the package; or

(ii) Each package for which the transport index does not exceed 0.5 at any time during transportation.

(3) *Radioactive yellow-III label.* When either of the limits in subparagraph (2) of this paragraph is exceeded. In addition, the following types of packages must also bear this label:

(i) Each Fissile Class III package;

(ii) Each package containing a large quantity of radioactive material as defined in § 173.389; or

(iii) Each package being transported under a permit issued as authorized in § 173.23(c).

(b) Radioactive materials having other hazardous characteristics, as defined elsewhere in this part must also be labeled with other labels as required by this part according to the hazards of the commodity (see §§ 173.2 and 173.402). For example:

(1) Packages containing the solid nitrates of uranium or thorium must bear both a "radioactive" label and a "yellow" oxidizing materials label.

(2) Packages containing nitric acid solutions of radioactive materials must bear both a "radioactive" label and a "white" corrosive acid label.

(S) By amending the heading and paragraphs (a) (1) through (8), (11), and (14), (b), introductory text of (c), and (c)(1); by adding paragraphs (a) (15) and (c)(2); canceling paragraphs (a) (9) and (10), (b)(1), and (d) in § 173.402 to read as follows:

§ 173.402 Labeling of explosives or other dangerous articles.

(a) Each package containing explosives or other dangerous articles as defined in this part must be conspicuously labeled by the shipper as follows, except as otherwise provided:

(1) "Red" label as described in § 173.405 (a) or (b) on packages of flammable liquids, except when exempted from labeling requirements in Subpart C of this part.

(2) "Yellow" label as described in § 173.406 (a) or (b) on packages of flammable solids or oxidizing materials, except when exempted from the labeling requirements in Subpart D of this part.

(3) "White" label as described in § 173.407 (a) or (b) on packages of acids, alkaline caustic liquids, or other corrosive liquids, except when exempted from the labeling requirements in Subpart E of this part.

(4) "Red gas" label as described in § 173.408 (a)(1) or (b) on packages of flammable compressed gases, except when exempted from the labeling requirements in Subpart F of this part.

(5) "Green" label as described in § 173.408 (a)(2) or (b)(1) on packages of nonflammable compressed gases, except when exempted from the labeling requirements in Subpart F of this part.

(6) "Poison gas" label as described in § 173.409(a)(1) on packages of class A poisons.

(7) "Poison" label as described in § 173.409 (a)(2) or (b) on packages of class B poisons, except when exempted from the labeling requirements in Subpart G of this part.

(8) "Radioactive" (white-I, yellow-II or yellow-III) label as described in § 173.414 on packages of radioactive materials, except when exempted from the labeling requirements in Subpart G of this part. Each package must be labeled with two such labels, affixed to opposite sides of the package. The method of determination of which label to use is given in § 173.399.

(i) Labels which conform to the model prescribed in the regulations of the International Atomic Energy Agency, and which are similar in appearance to the labels prescribed herein (although the inscriptions on the labels may be in a foreign language) are authorized in place of the labels prescribed herein for import or export shipments only.

(9) [Canceled]

(10) [Canceled]

(11) *"Tear gas" label* as described in § 173.409 (a)(3) or (b) on packages of class C poisons.

* * * * *

(14). Labels authorized for shipment of explosives or other dangerous articles by air, as shown in §§ 173.405 through 173.412 may be used in place of the labels otherwise prescribed therein.

(15) Packages containing materials which are either class A poisons or radioactive materials, and are also flammable (gases, liquids or solids), corrosive liquids, class B poisons, oxidizing materials, or compressed gases, must also bear additional labels showing those other hazardous characteristics (see also § 173.2).

(b) Labels required for shipments of explosives or other dangerous articles by air are shown in §§ 173.405(b), 173.406 (b), 173.407(b), 173.408(b), 173.409(b), 173.410(b), 173.411(b), 173.412(b), and 173.414.

(1) [Canceled]

(c) Labels are not required on carload or truckload lots of dangerous articles, except for the commodities listed in this paragraph, when the shipments are loaded by the shipper, and are unloaded by the consignee from the transport vehicle in which originally loaded. The commodities for which this exemption does not apply include: classes A or C poisons, etiological agents, and radioactive materials.

(1) Labels are not required on carload or truckload lots of shipments of classes A or C poisons, etiological agents, or radioactive materials made by, for, or to the Department of Defense if the shipments are loaded by the shipper and unloaded by the consignee from the transport vehicle in which originally loaded and if the shipments are accompanied by qualified personnel supplied with equipment to repair leaks or other container failures which would permit escape of contents.

(2) The proper shipping name of the contents (see § 172.5 of this chapter) must be marked on each package shipped under the exemption in this paragraph.

(d) [Canceled]

* * * * *

(T) By amending § 173.414 to read as follows:

§ 173.414 Radioactive materials labels.

(a) Labels for packages of radioactive materials must be of diamond shape, in colors specified in this section, with each side at least 4 inches long. Printing must be in black inside of a black line border measuring at least 3½ inches on each side and as shown in this section.

(b) "Radioactive white-I" label for radioactive materials. Label must be white in color. The single vertical bar on the lower half of the label must be bright red in color.

(c) "Radioactive yellow-II" label for radioactive materials. The upper half of the label must be bright yellow and the bottom half must be white. The two vertical bars on the lower half of the label must be bright red in color.

(d) "Radioactive yellow-III" label for radioactive materials. The upper half of the label must be bright yellow and the bottom half must be white. The three vertical bars on the lower half of the label must be bright red in color.

(U) By amending paragraph (a) (2) and adding paragraph (a) (5) in § 173.427 to read as follows:

§ 173.427 Shipping papers.

(a) * * *

(2) Where the regulations (except § 173.402) exempt the packages from labeling the exemption must be indicated by the words "No Label Required" immediately following the description on the shipping paper.

* * * * *

(5) For shipments of radioactive materials, the shipping paper description must include:

(i) The Transport Group or Groups of the radionuclides in the radioactive material, if the material is in normal form;

(ii) The name of the radionuclides in the radioactive material, and a description of its physical and chemical form if the material is in normal form;

(iii) The activity of the radioactive material in curies;

(iv) The type of label applied to the package; i.e., Radioactive White-I, Radioactive Yellow-II, or Radioactive Yellow-III;

(v) For fissile radioactive materials, the fissile class of the package, and the weight in grams or kilograms of the fissile isotope; and

(vi) For export shipments, a copy of any special permit issued by the Department for the package.

* * * * *

(V) By amending paragraph (b) of § 173.430 to read as follows:

§ 173.430 Certificate.

* * * * *

(b) Shipping papers for air shipments in foreign commerce must be made out in duplicate and the shipper's certificate must be executed on both copies.

(1) For shipments on passenger-carrying aircraft, the shipper must also add the words:

This shipment is within the limitations prescribed for passenger-carrying aircraft.

(2) The shipper may also add the words: "* * * and to the IATA Restricted Articles Regulations."

* * * * *

PART 174—CARRIERS BY RAIL FREIGHT

IV. Part 174 is amended as follows:

(A) By amending paragraph (b) of § 174.510 to read as follows:

§ 174.510 Shipping papers.

* * * * *

(b) Where the regulations (except § 173.402(c) of this chapter) exempt the packages from labeling, the exemption must be indicated by the words "No Label Required" immediately following the description on the shipping paper.

* * * * *

(B) By amending paragraph (j) (1) and (2) of § 174.532 to read as follows:

§ 174.532 Loading other dangerous articles.

* * * * *

(j) * * *

(1) Shipments of low specific activity materials, as defined in § 173.389(c) of this chapter, must be loaded so as to avoid spillage and scattering of loose material. Loading restrictions are prescribed in § 173.392 of this chapter.

(2) Storage and loading restrictions are prescribed in § 174.586(h).

* * * * *

§ 174.538 [Amended]

(C) By deleting the phrase "Class D poisons" from item 15 in vertical and horizontal columns in § 174.538(a) Chart. Item 15 will then read: "Radioactive materials."

(D) By amending § 174.541(b) to read as follows:

§ 174.541 "Dangerous" placards; "Dangerous-Radioactive material" placards; or "Caution-Residual phosphorus" placards.

* * * * *

(b) "Dangerous-Radioactive Material" placards, as prescribed in § 174.553, must be applied to cars containing packages bearing a "radioactive yellow-III" label (three vertical red stripes) as prescribed in § 173.414(d) of this chapter, and to carload lots under §§ 173.392 and 173.393 (j) and (k) of this chapter.

* * * * *

(E) By amending § 174.544(a)(6) to read as follows:

§ 174.544 Placards not required.

(a) * * *

(6) Cars containing packages of radioactive material which are exempted from labeling under § 173.391 of this chapter; which bear only the labels prescribed in § 173.414 (b) and (c) of this chapter; or which are exempted from placarding under § 173.392(c)(7) of this chapter.

(F) By amending the introductory text of paragraph (a) of § 174.553 to read as follows:

§ 174.553 Dangerous-Radioactive Material placard.

(a) The "Dangerous-Radioactive Material" placard for radioactive materials must be of diamond shape, measuring 10¾ inches on each side, and must bear the wording in red letters as shown in the following cut:

* * * * *

(G) By amending paragraph (d) and adding paragraph (e) in § 174.566 to read as follows:

§ 174.566 Cleaning cars.

* * * * *

(d) Cars contaminated with radioactive materials:

(1) Each car used for transporting low specific activity radioactive materials in carload lots under the provisions of § 173.392(d) of this chapter must be surveyed with appropriate radiation detection instruments after each use. Carriers must not return such cars to service until the radiation dose rate at any accessible surface is not more than 0.5 millirem per hour, and there is no significant removable radioactive surface contamination (see § 173.399 of this chapter).

(2) This paragraph does not apply to any car used solely for transporting radioactive materials if a survey of the interior surface shows that the radiation dose rate does not exceed 10 millirem per hour at the interior surface or 2 millirem per hour at 3 feet from any interior surface. These cars must be stenciled with the words "For Radioactive Materials Use Only" in lettering at least three inches high in a conspicuous place on both sides of the exterior of the car. These cars must be kept closed at all times other than loading and unloading.

(e) In case of fire, wreck, breakage or unusual delay involving shipments of radioactive material, see § 174.588.

§ 174.584 [Amended]

(H) By amending the table in paragraph (a) of § 174.584 as follows and canceling footnote 1 to the table:

	Label notation to follow entry of the article on the billing	Placard notation to follow entry of the article on the billing	Placard endorsement must be ⅜" high and appear on the billing near the space provided for the car number
Add			
For radioactive materials with "radioactive white-I" or "radioactive yellow-II" labels.	Radioactive white-I or radioactive yellow-II.	None	None.
For radioactive materials with "radioactive yellow-III" label.	Radioactive yellow-III	Dangerous-radioactive material placard.	"Radioactive Material."
Cancel			
For radioactive materials. Class D poison.	Radioactive material label.	do	Do.
* * *	* * *	* * *	* * *

[1] Canceled.

(I) By amending the heading and paragraph (h) in § 174.586 to read as follows:

§ 174.586 Handling hazardous materials.

* * * * *

(h) Radioactive materials:

(1) The number of packages of radioactive materials, as provided in §§ 173.393 through 173.396 of this chapter, in any rail car or storage location, must be limited so that the total transport index number, as defined in § 173.389(i) of this chapter and determined by adding together the transport index numbers on the labels of the individual packages, does not exceed 50. This provision does not apply to sole-use shipments described in § 173.393 (j) or (k) or § 173.392 of this chapter.

(2) Packages of radioactive material bearing "radioactive yellow-II" or "radioactive yellow-III" labels must not be placed in cars, depots, or other places closer than 3 feet to an area (or dividing partition between areas) which may be continuously occupied by passengers, employees, or shipments of animals, nor closer than 15 feet to any package containing undeveloped film (if so marked). If more than one of these packages is present, the distance must be computed from the table below on the basis of the total transport index number (determined by adding together the transport index numbers on the labels of the individual packages) of packages in the car or storeroom:

Total transport index	Minimum separation distance in feet to nearest undeveloped film	Minimum distance in feet to area of persons, or minimum distance in feet from dividing partition of a combination car
None	0	0
0.1–10.0	15	3
10.1–20.0	22	4
20.1–30.0	29	5
30.1–40.0	33	6
40.1–50.0	36	7

NOTE 1: The distance in the table must be measured from the nearest point on the packages of radioactive materials.

(J) By amending § 174.588(c)(1) to read as follows:

§ 174.588 Disposition of damaged or astray shipments.

* * * * *

(c) * * *

(1) Radioactive materials: In case of fire, accident, breakage, or unusual delay involving shipments of radioactive materials, the carrier shall immediately notify the shipper and the Department. Cars, buildings, areas, or equipment in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see § 173.399 of this chapter).

NOTE 1: In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive materials should be left in a segregated area and held pending disposal instructions from qualified persons.

NOTE 2: Details involving the handling of radioactive materials in the event of an accident can be found in Bureau of Explosives Pamphlet No. 22, "Recommended Practices for Handling Collisions and Derailments Involving Explosives, Gasoline and Other Dangerous Articles," available from the Bureau of Explosives, Association of American Railroads, 2 Pennsylvania Plaza, New York, N.Y. 10001.

* * * * *

(K) By amending paragraph (n) of § 174.589 to read as follows:

§ 174.589 Handling cars.

* * * * *

(n) *Position in train of cars containing radioactive materials.* In a freight train or mixed train, either standing or during transportation thereof, a car placarded "Dangerous—Radioactive Material" must not be handled next to cars placarded "Explosives" or next to carload shipments of undeveloped film.

PART 175—CARRIERS BY RAIL EXPRESS

V. Part 175 is amended as follows:

(A) By amending paragraph (b) of § 175.652a to read as follows:

§ 175.652a Shipping papers.

* * * * *

(b) Where the regulations (except § 173.402(c) of this chapter) exempt the packages from labeling the exemption must be indicated by the words "No Label Required" immediately following the description on the shipping paper.

* * * * *

(B) By amending paragraph (j) of § 175.655 to read as follows:

§ 175.655 Protection of packages.

* * * * *

(j) Radioactive materials:

(1) The number of packages of radioactive materials, as provided in §§ 173.393 through 173.396 of this chapter, in any rail car or storage location, must be limited so that the total transport index number, as defined in § 173.389(h) of this chapter and determined by adding together the transport index numbers shown on the labels of the individual packages, does not exceed 50. This provision does not apply to sole-use shipments described in § 173.393 (j) or (k) or § 173.397 of this chapter.

(2) Packages of radioactive material bearing "radioactive yellow II" or "radioactive yellow III" labels shall not be placed in cars, depots, or other places closer than 3 feet to an area (or dividing partition between areas) which may be continuously occupied by passengers, employees, or shipments of animals, nor closer than 15 feet to any package containing undeveloped film (if so marked). If more than one of these packages is present, the distance shall be computed from the following table on the basis of the total transport index number (determined by adding together the transport index numbers on the labels of the individual packages) of packages in the car or storeroom.

Total transport index	Minimum separation distance in feet to nearest undeveloped film	Minimum distance in feet to area of persons, or minimum distance in feet from dividing partition of a combination car
None	0	0
0.1–10.0	15	3
10.1–20.0	22	4
20.1–30.0	29	5
30.1–40.0	33	6
40.1–50.0	36	7

NOTE 1: The distance in the table must be measured from the nearest point on the packages of radioactive materials.

(3) In case of fire, accident, breakage, or unusual delay involving shipments of radioactive materials, the carrier shall

immediately notify the shipper and the Department. Cars, buildings, areas, or equipment in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see § 173.399 of this chapter).

NOTE 1: In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive materials should be left in a segregated area and held pending disposal instructions from qualified persons.

NOTE 2: Details involving the handling of radioactive materials in the event of an accident can be found in Bureau of Explosives Pamphlet No. 22, "Recommended Practices for Handling Collisions and Derailments Involving Explosives, Gasoline and Other Dangerous Articles," available from the Bureau of Explosives, Association of American Railroads, 2 Pennsylvania Plaza, New York, N.Y. 10001.

* * * * *

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

VI. Part 177 is amended as follows:

(A) By adding the following new sections to the table of contents:

Sec.
177.842 Radioactive material.
177.843 Contamination of vehicles.
177.861 Accidents; radioactive materials.

(B) By amending paragraph (b) and introductory text of paragraph (c) in § 177.815 to read as follows:

§ 177.815 Labels.

* * * * *

(b) Labels are not required on truckload lots of dangerous articles, except for the commodities listed in this paragraph, when the shipments are loaded by the shipper, and are unloaded by the consignee from the transport vehicle in which originally loaded. The commodities for which this exemption does not apply include: Poisons, Class A; etiological agents; and radioactive materials.

(1) Labels are not required on truckload lots of shipments of classes A or C poisons, etiologic agents, or radioactive materials made by, for, or to the Department of Defense if the shipments are loaded by the shipper and unloaded by the consignee from the transport vehicle in which originally loaded and if the shipments are accompanied by qualified personnel supplied with equipment to repair leaks or other container failures which would permit escape of contents.

(2) The proper shipping name of the contents must be marked on each package shipped under the exemption in this paragraph.

(c) Except on packages of classes A or C poisons, etiologic agents, or radioactive materials, labels are not required on less-than-truckload shipments by motor vehicle by public highway when the articles are readily identifiable by reason of type of container or when the container is plainly marked to indicate its contents; and

* * * * *

(C) By amending paragraph (b) of § 177.817 to read as follows:

§ 177.817 Shipping papers.

* * * * *

(b) Where the regulations (except § 173.402) exempt the packages from labeling the exemption must be indicated by the words "No Label Required" immediately following the description on the shipping paper.

* * * * *

§ 177.823 [Amended]

(D) By amending the ninth listing in § 177.823(a)(1) to read as follows:

Commodity	*Type of marking or placard*
Change:	
Radioactive material requiring "radioactive yellow-III" label, any quantity (see § 173.414 (d)).	RADIOACTIVE (black letters on yellow background).

* * * * * *

§ 177.841 [Amended]

(E) By canceling § 177.841(d).

(F) By adding new §§ 177.842 and 177.843 as follows:

§ 177.842 Radioactive material.

(a) The number of packages of radioactive materials, as provided for in §§ 173.393 through 173.396 of this chapter, in any motor vehicle, trailer or storage location must be limited so that the total transport index number, as defined in § 173.389(h) of this chapter, and determined by adding together the transport index numbers shown on the labels of the individual packages does not exceed 50. This provision does not apply to sole-use shipments described in to§ 173.393 (j) or (k) or § 173.397 of this chapter.

(b) Packages of radioactive material bearing "radioactive yellow II" or "radioactive yellow-III" labels shall not be placed in motor vehicles or other places closer than the distances shown in the following table to any area which may be continuously occupied by passengers, employees, or shipments of animals, nor closer than the distances shown in the table below to any package containing undeveloped film (if so marked). If more than one of these packages is present, the distance shall be computed from the following table on the basis of the total transport index number (determined by adding together the transport index numbers on the labels of the individual packages) of packages in the vehicle or storeroom.

Total transport index	Minimum separation distances in feet to nearest undeveloped film for various times of transit					Minimum distance in feet to area of persons, or minimum distance in feet from dividing partition of cargo compartments
	Up to 2 hours	2–4 hours	4–8 hours	8–12 hours	Over 12 hours	
None	0	0	0	0	0	0
0.1 to 1.0	1	2	3	4	5	1
1.1 to 5.0	3	4	6	8	11	2
5.1 to 10.0	4	6	9	11	15	3
10.1 to 20.0	5	8	12	16	22	4
20.1 to 30.0	7	10	15	20	29	5
30.1 to 40.0	8	11	17	22	33	7
40.1 to 50.0	9	12	19	24	36	6

NOTE 1: The distance in the table must be measured from the nearest point on the packages of radioactive materials.

(c) Shipments of low specific activity materials, as defined in § 173.391 of this chapter, must be loaded so as to avoid spillage and scattering of loose materials. Loading restrictions are set forth in § 173.397 of this chapter.

(d) Packages must be so blocked and braced that they cannot change position during conditions normally incident to transportation.

(e) Persons should not remain unnecessarily in a vehicle containing radioactive materials.

§ 177.843 Contamination of vehicles.

(a) Each motor vehicle used for transporting low specific activity radioactive materials in truckload lots under the provisions of § 173.392(d) of this chapter must be surveyed with appropriate radiation detection instruments after each use. Carriers must not return such vehicles to service until the radiation dose rate at any accessible surface is not more than 0.5 millirem per hour, and there is no significant removable radioactive surface contamination (see § 173.399 of this chapter).

(b) This section does not apply to any vehicle used solely for transporting radioactive material if a survey of the interior surface shows that the radiation dose rate does not exceed 10 millirem per hour at the interior surface or 2 millirem per hour at 3 feet from any interior surface. These vehicles must be stenciled with the words "For Radioactive Materials Use Only" in lettering at least 3 inches high in a conspicuous place, on

both sides of the exterior of the vehicle. These vehicles must be kept closed at all times other than loading and unloading.

(c) In case of fire, accident, breakage, or unusual delay involving shipments of radioactive material, see § 177.861.

§ 177.848 [Amended]

(G) By deleting the phrase "Class D poisons" from item 15 in vertical and horizontal columns in § 177.848(a) Chart. Item 15 will then read: "Radioactive materials."

§ 177.860 [Amended]

(H) By canceling paragraphs (c) and (d) in § 177.860.

(I) By adding § 177.861 to read as follows:

§ 177.861 Accidents; radioactive materials.

(a) *Radioactive materials.* In case of fire, accident, breakage, or unusual delay involving shipments of radioactive materials, the carrier shall immediately notify the shipper and the Department. Vehicles, buildings, areas, or equipment in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see § 173.399 of this chapter).

NOTE 1: In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive material. Any loose radioactive material should be left in a segregated area and held pending disposal instructions from qualified persons.

NOTE 2: Details involving the handling of radioactive materials in the event of an accident can be found in Bureau of Explosives Pamphlet No. 22, "Recommended Practices for Handling Collisions and Derailments Involving Explosives, Gasoline and Other Dangerous Articles," available from the Bureau of Explosives, Association of American Railroads, 2 Pennsylvania Plaza, New York, N.Y. 10001.

(b) *Cleaning vehicles.* See § 177.843.

(J) By amending § 177.870(g) to read as follows:

§ 177.870 Regulations for passenger-carrying vehicles.

* * * * *

(g) *Radioactive materials.* In addition to the limitations prescribed in paragraphs (b) and (e) of this section, no person may transport any radioactive material requiring labels under § 173.402 of this chapter in or on any motor vehicle carrying passengers for hire except where no other practicable means of transportation is available. Packages of radioactive materials must be stored only in the trunk or baggage compartment of the vehicle, and must not be stored in any compartment occupied by persons. Packages of radioactive materials must be handled and placed in the vehicle as prescribed in § 177.841(d).

PART 178—SHIPPING CONTAINER SPECIFICATIONS

VII. Part 178 is amended as follows:

(A) By amending the title of § 178.103, and by adding §§ 178.104 and 178.350, and Subpart K to the table of contents to read as follows:

Sec.
178.103 Specification 6L; metal packaging.
178.104 Specification 6M; metal packaging.

Subpart K—Specifications for General Packagings

178.350 Specification 7A; general packaging, Type A.

(B) By amending § 178.34–5 to read as follows:

§ 178.34–5 Marking.

(a) Each container shall be marked with the words "Radioactive Material," in letters at least one-fourth inch in height, either by embossing or diestamping directly onto the container, or by securely affixing by welding or brazing a metal plate bearing this notation to the container.

§§ 178.38–13, 178.39–13, 178.40–13, 178.41–13, 178.42–10, 178.43–13, 178.44–13, 178.48–13, 178.49–13, 178.50–13, 178.51–13, 178.52–13, 178.53–12, 178.54–13, 178.55–13, 178.56–13, 178.59–11, 178.60–13, 178.63–12, 178.66–12, 178.67–12, 178.68–12 [Amended]

(C) In the following sections, change the reference "§ 173.34(f)" to read "§ 173.34(d)" and change the reference to "§ 173.301(i)" to read "§ 173.301(g)": §§ 178.38–13, 178.39–13, 178.40–13, 178.41–13, 178.42–10, 178.43–13, 178.44–13, 178.48–13, 178.49–13, 178.50–13, 178.51–13, 178.52–13, 178.53–12, 178.54–13, 178.55–13, 178.56–13, 178.59–11, 178.60–13, 178.63–12, 178.66–12, 178.67–12, and 178.68–12.

§§ 178.47–13, 178.58–13 [Amended]

(D) In §§ 178.47–13 and 178.58–13, change the reference to "§ 178.34(f)" to read "§ 178.34(d)".

§ 178.57–13 [Amended]

(E) In § 178.57–13, change the reference to "§ 178.34(f)" to read "§ 173.34(d)", and change the reference to "§ 173.304(f)" to read "§ 173.304(b)(2)".

(F) By amending the title of § 178.103, and by amending § 178.103–2(a) to read as follows:

§ 178.103 Specification 6L; metal packaging.

§ 178.103–2 Rated capacity.

(a) Rated capacity as marked (see § 178.103–6). Not less than 55 gallons nor more than 110 gallons for the outer steel drum. Not more than 17.74 liters for the inner vessel.

(G) By amending § 178.103–3 in its entirety to read as follows:

§ 178.103–3 General requirements.

(a) Outside drum must conform to specification 6J (§ 178.100) steel drum, or equivalent, except as otherwise specified herein. The drum wall must be at least 18-gauge steel, and may be either a single sheet of steel, or many be produced by welding together two appropriate lengths of such drums. The removable head must be constructed of at least 16-gauge steel with one or more corrugations in the cover near the periphery.

(b) Inner vessel must conform to specification 2R (§ 178.340) or equivalent (except that cast iron is not authorized), with maximum usable inside diameter of 5¼ inches, maximum height of 50 inches (with cap in place) and minimum wall thickness of one-fourth inch. Flanged closures are not authorized. Pipe threads must be luted with appropriate nonhardening compound to prevent inleakage of water or loosening of the cap due to vibration or heat.

(c) Inner vessel must be fixed within the outer drum with appropriate centering devices of adequate physical strength and fire resistance to be able to withstand the accident test conditions of § 173.398 of this chapter without a displacement of the inner container of more than 2 inches in any direction. The following types of centering mechanisms meet this requirement without need for performing the accident tests. Any other type of centering device must be specifically approved by the Department.

(1) Not less than four steel rod spacers, of at least one-fourth inch (for packages of 55-gallon capacity) or three-eighths inch (for packages with greater than 55-gallon capacity) cold rolled steel, welded to the pipe at each end by minimum 2-inch continuous weld. Rods must be welded to the pipe at radial positions not exceeding 90°, and so as not to interfere with closure of inner vessel. Each spacer rod must extend at least 2¼ inches beyond the inner vessel at each end, then radially to the wall of the outer drum (to provide a springlike snug fit) and along the entire length of the wall of the outer drum. For packages of more than 55-gallon capacity, each spacer rod shall be braced by welding a ¼-inch by 2-inch steel plate to the spacer rod and the pipe with a continuous weld at each joint, the joints being located approximately halfway along the length of the drum.

(2) At least three steel "spiders," not more than 24 inches apart, with each spider having at least four legs. Each leg must be constructed of materials having dimensions not less than those listed in this subparagraph, welded by continuous weld at each joint to inner and outer steel bands of at least ¼-inch by 1-inch steel. The inner steel band must be welded to the inner vessel by at least six 2-inch welds on both edges of the band. The outer steel band must be welded to the outer drum by at least six 2-inch welds on both edges of the top outer band, such that the inner vessel is at least 2¼ inches from the top and bottom of the drum. Authorized construction materials are:

(i) ¼-inch by ¼-inch by 1-inch steel angle iron.

(ii) 3/16-inch by 3/16-inch by 1¼-inch steel angle iron.

(iii) ¼-inch thick, 1-inch outer diameter schedule 40 steel pipe.

(iv) 1½-inch diameter solid steel rods, with only two such spiders required instead of three.

(d) The void between the inner vessel and the outer drum shall be filled with either vermiculite (expanded mica) with a density of at least 4.5 pounds per cubic foot or other material having an equivalent thermal and shock absorbing effect.

(H) By amending § 178.103–5 in its entirety to read as follows:

§ 178.103–5 Closure.

(a) The outer drum closure shall be at least a 12-gauge bolted ring with drop-forged lugs, one of which is threaded, and having at least a steel bolt (at least ⅜-inch for 55-gallon size, and at least ⅝-inch for larger than 55-gallon size) and a lock nut, or equivalent device.

(b) The closure device must have a means for the attachment of a tamper-proof lock wire and seal, or equivalent.

(I) By adding subparagraph (4) to § 178.103–6(a) to read as follows:

§ 178.103–6 Markings.

(a) * * *

(4) Gauge of metal of the outer steel drum in the thinnest part, rated capacity of the outer steel drum in gallons, and the year of manufacture of the assembled package (e.g., 18–110–68). When the gauge of the metal in the drum wall differs from that in the head, both must be indicated with a slanting line between, and with the gauge of the body indicated first (e.g., 18/16–110–68 for 18-gauge body and 16-gauge head).

(J) By adding the following new § 178.104:

§ 178.104 Specification 6M; metal packaging.

§ 178.104–1 General requirements.

(a) Each package must meet the applicable requirements of § 173.24 of this chapter.

§ 178.104–2 Rated capacity.

(a) Rated capacity as marked (see §178.104–5). Not less than 10 gallons nor more than 110 gallons for the outer steel drum. Not less than 1.24 liters for the inner containment vessel.

§ 178.104–3 General construction requirements.

(a) Outside drum must conform to specification 6C or 17C (§§ 178.99 and 178.115) steel drum, or equivalent, except as otherwise specified herein. The drum wall may be either a single sheet of steel, or may be produced by welding together two appropriate lengths of such drums. Removable head for drums of 55 gallons or larger size must have one or more corrugations in the cover near the periphery. Maximum gross weight, metal thickness, and minimum end insulation for the marked capacity is as follows:

Marked capacity (gallons)	Authorized gross weight (pounds)	Minimum thickness of uncoated sheets and heads (gauge)	Minimum thickness of end insulation (inches)
10	160	20	1⅞
15	160	20	1⅞
30	480	18	3¾
55	880	16	3¾
110	880	16	3¾

(b) Inner containment vessel must conform to specification 2R (§ 178.34), or equivalent, with maximum usable inside diameter of 5.25 inches, minimum usable inside diameter of 4 inches, and minimum height of 6 inches. Material of construction must be steel with a minimum wall thickness of 0.125 inch for vessels up to 12 inches in height and 0.250 inch for vessels over 12 inches in height. Pipe threads must be luted with an appropriate nonhardening compound to prevent inleakage of water or loosening of the cap due to vibration or heat.

(c) Inner containment vessel must be fixed within the outer drum with appropriate centering devices of adequate physical strength and fire resistance to be able to withstand the accident test conditions prescribed in § 173.398 of this chapter without a displacement of the inner vessel of more than 2 inches in any direction. The following types of centering mechanisms meet this requirement without need for performing the accident tests. Any other type of centering device must be specifically approved by the Department.

(1) Machined discs and rings made of either solid industrial cane fiberboard insulation having a density of at least 15 pounds per cubic foot; or of hardwood or plywood, at least ½-inch thick, having a density of at least 28 pounds per cubic foot; or of other material having an equivalent thermal, neutron, and shock absorbing effect. The sides of the inner vessel shall be protected by at least 3.75 inches of such material, and the ends by at least the thickness of such material prescribed in § 173.104–3(a) of this chapter. There must be no gap or direct heat path to the inner containment vessel.

(d) Any radiation shielding material used must be placed within the inner containment vessel, or must be protected in all directions by at least the thickness of the thermal insulating material prescribed in paragraph (a) of this section.

§ 178.104–4 Closure.

(a) The outer drum closure must be at least 16-gauge bolt-type locking ring having at least a 5/16-inch steel bolt for drum sizes not over 15 gallons, or a 12-gauge bolted ring with drop-forged lugs, one of which is threaded, and a ⅝-inch steel bolt for drum sizes over 15 gallons. Each bolt must be provided with a lock nut or equivalent device.

(b) The closure device must have means for the attachment of a tamper-proof lock wire and seal, or equivalent.

§ 178.104–5 Markings.

(a) Marking must be as prescribed in § 173.24 of this chapter.

(b) Marking on the outside of each package must be as follows: "DOT–6M Type B," "Radioactive Materials," or "Fissile Radioactive Materials," as appropriate; and the gauge of metal of the outer drum in the thinnest part, rated capacity of the outer drum in gallons, and year of manufacture (for example, 18–30–69). When the gauge of the metal in the drum wall differs from that in the head, both must be indicated with a slanting line between, and with the gauge of the body indicated first (e.g., 18/16–55–69 for 18-gauge body and 16-gauge head).

§ 178.205–38 [Canceled]

(J) By canceling § 178.205–38.

(K) By adding a new Subpart K to read as follows:

Subpart K—Specifications for General Packagings

(L) By adding a new § 178.350 to read as follows:

§ 178.350 Specification 7A; general packaging, Type A.

§ 178.350–1 General requirements.

(a) Each packaging must meet all applicable requirements of § 173.24 of this chapter.

§ 178.350–2 Specific requirements.

(a) Each packaging must be so designed and constructed that it meets the standards for Type A packaging (see §§ 173.389(j) and 173.398(b) of this chapter).

§ 178.350–3 Marking.

(a) Marking on the outside of each packaging as follows: "USA DOT 7A Type A" and "Radioactive Material."

(b) Marking to conform with § 173.24 of this chapter.

2. In Title 14, Code of Federal Regulations, Part 103 is amended as follows:

(A) By amending § 103.1 (b) and (c)(3) to read as follows and by canceling paragraph (c)(4):

§ 103.1 Applicability.

* * * * *

(b) For the purposes of this part, dangerous article means the material defined and regulated in the applicable regulations of the Department of Transportation (49 CFR Parts 170–190), and includes:

(1) Explosives.
(2) Flammable liquids, and solids.
(3) Oxidizing materials.
(4) Corrosive liquids.
(5) Compressed gases.
(6) Poisons.
(7) Etiologic agents.
(8) Radioactive materials.

(c) * * *

(3) Shipments of radioactive materials via cargo-only aircraft, made by or under the direction or supervision of the U.S. Atomic Energy Commission or the Department of Defense, which are escorted by personnel especially designated by or under the authority of that Commission or Department for the purposes of national security.

(4) [Canceled]

(B) By amending § 103.3(b) to read as follows:

§ 103.3 Certification requirements.

* * * * *

(b) The shipper shall execute the required certificates in duplicate. One signed copy accompanies the shipment and the originating air carrier retains the other signed copy.

* * * * *

(C) By amending § 103.7 to read as follows:

§ 103.7 Passenger-carrying aircraft.

No person may carry any dangerous article in a passenger-carrying aircraft except—

(a) Articles specified by 49 CFR Part 173 as exempted from the specification packaging, marking, and labeling requirements of 49 CFR Part 173, when those articles are shipped as required for the exemption; and

(b) The following articles when packaged, marked, and labeled as specifically provided in 49 CFR Parts 171 through 173 for shipment by rail express:

(1) Small arms ammunition and practice cartridge ammunition.

(2) Class C explosives, other than those permitted under subparagraph (1) of this paragraph, with a net weight of not more than 50 pounds in each outside container.

(3) Subject to § 103.19(a), nonflammable compressed gases, except anhydrous ammonia, boron trifluoride, chlorine, hydrogen bromide, hydrogen chloride, nitrosyl chloride, and sulfur dioxide.

(4) X-ray film or motion picture film, with a nitrocellulose base, either exposed or unexposed.

(5) Pyroxylin plastics containing nitrocellulose, in sheets, rolls, rods, or tubes.

(6) Subject to § 103.19(b), radioactive materials.

(D) By amending § 103.9 to read as follows:

§ 103.9 Cargo-only aircraft.

(a) No person may carry any dangerous article in a cargo-only aircraft, except those articles permitted on passenger-carrying aircraft under § 103.7, and except articles that—

(1) Are specified in 49 CFR 172.5 as acceptable for shipment by rail express;

(2) Do not exceed the maximum quantity for each outside container specified in 49 CFR 172.5 for rail express; and

(3) Are packaged, marked, and labeled as specified in 49 CFR Part 173 for shipment by rail express.

(b) For the purposes of this part, a cargo-only aircraft is any aircraft that is not a passenger-aircraft.

(E) By amending § 103.19(b) to read as follows:

§ 103.19 Quantity limitations.

* * * * *

(b) No person may carry aboard an aircraft a number of packages of radioactive materials that make the total transport index number (determined by adding together the transport index numbers shown on the labels of the individual packages) more than 50.

* * * * *

§ 103.21 [Canceled]

(F) By canceling § 103.21.

(G) By amending § 103.23 to read as follows:

§ 103.23 Special requirements for radioactive materials.

(a) No person may place packages of radioactive materials bearing "radioactive yellow-II" or "radioactive yellow-III" labels in aircraft closer than the distances shown in the following table to a space (or dividing partition between spaces) which may be continuously occupied by people, or shipments of animals, or closer than the distances shown in the following table to any package containing undeveloped film (if so marked). If more than one of these packages is present, the distance shall be computed from the following table on the basis of the total transport index numbers shown on the labels of the individual packages in the aircraft:

Total transport index	Minimum separation distances in feet to nearest undeveloped film for various times of transit					Minimum distance in feet to area of persons, or minimum distance in feet from dividing partition of cargo compartments
	Up to 2 hours	2–4 hours	4–8 hours	8–12 hours	Over 12 hours	
None	0	0	0	0	0	0
0.1 to 1.0	1	2	3	4	5	1
1.1 to 5.0	3	4	6	8	11	2
5.1 to 10.0	4	6	9	11	15	3
10.1 to 20.0	5	8	12	16	22	4
20.1 to 30.0	7	10	15	20	29	5
30.1 to 40.0	8	11	17	22	33	6
40.1 to 50.0	9	12	19	24	36	7

(b) In case of fire, accident, breakage, or unusual delay involving shipments of radioactive materials, the operator of the aircraft shall immediately notify the shipper and the Department of Transportation. Aircraft in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see 49 CFR 173.399). In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged care should be taken to avoid inhalation, ingestion, or contact with the radioactive materials. Any loose radioactive materials should be left in a segregated area pending disposal instructions from qualified persons.

(H) By amending paragraph (c) of § 103.31 to read as follows:

§ 103.31 Cargo location.

* * * * *

(c) No person may place a package of "yellow" label material (flammable solids or oxidizing materials) next to, or in a position to allow contact with, a package of "white" label material (poisons) in any aircraft.

* * * * *

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